

A
COMPLETE
GUIDE

FOR

Justices of Peace,

According to the best Ap-
proved A U T H O R S.

In Two P A R T S.

The *First* containing the *Common* and
Statute Laws of ENGLAND, relating
to the Office of a J U S T I C E of
P E A C E.

The *Second* consisting of the most *Authentick* and *Useful* P R E C E D E N T S,
which do properly Concern the same.

By J. Bond of Grays-Inn, Esq;

L O N D O N,
Printed by T. B. for Hannah Sawbridge, at the
Bible on Ludgate-Hill, MDCLXXXV.

THE
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OF THE
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TO
The Right Honourable
George Lord Jeffreys,
B A R O N
O F
W E M,
Lord Chief Justice
O F
E N G L A N D,
A N D
One of His MAJESTIES Most
HONOURABLE PRIVY
COUNCIL.

My Lord,

THE Suitableness of this Address
can only Apologize for its Pre-
sumption: A Treatise of the Office
of Justices of the Peace properly casts its
self at the Feet of the Lord Chief Justice
A 2 of

The Dedication.

of *England*, and of *Duty* submits in all *Humility*, to his *Censure*, by whose *Mouth* our *Most Gracious Sovereign* (the *Fountain of Justice*, as well as *Honor*) is pleased to dispence *Equal Right* to all his *Subjects*.

How useful these Subordinate *Magistrates* (the *Conservators of the Peace*) are to the *Publick*, and how requisite 'tis they should understand those *Powers* with which the *Wisdom* of our *Laws* has invested them; As also how difficult it is, in such an *Ocean of Business*, without some *Compendious Direction*, or *General Landskip* of their duty, where (as in a *Map* or *Index*) they may readily view the *Heads* of their *Office*, and be referr'd to the *Original Authoritys* at large; none can be so *Dull* as not to perceive; nor scarce any so unjustly conceited, as not to acknowledge.

Nor have there been wanting *divers Manuals* of *Good use* to that *Purpose*; But *Growing Evils* having made

I Permit the Printing and Pub-
lishing of this Book Entitu-
led, *A Complete Guide for*
Justices of the Peace, &c.

GEO: JEFFREYS.

TO THE
READER,

THere have been
since Mr. Dalton's Time several Treatises on
this Subject, published in
Print, some of which are too
extravagantly large, being
unnecessarily stuf't with all the
Acts of Parliament verbatim,
which any way concern the
Office of a Justice of Peace;
not considering that the very
Tables to the later Editions
of Daltons, where those very
Statutes are only named, with
the help of the Statutes at large
(which

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(which no Justice of Peace can be without) would altogether be as useful ; there are others also as much too short in Matter, not reaching by far, the Intention they seem to be design'd for; Insomuch that 'tis believ'd were Mr. Dalton now alive, he could not but admire the vanity of their Undertakings in his Province ; in regard he had erected so excellent a structure upon the steady Foundations of those great Sages of the Law, Brook, Stamford, Lambert, Fitzherbert, Crompton, the Lord Coke, &c. The Chief Design therefore of this Book is (by
exactly

To the Reader.

*exactly following Mr. Dalton's
Method) to comprehend the
Learning of these great Per-
sonages of the Law, before
mentioned, by an exact Epitomy
of their Elaborate & Learned
Works, which may be said to
contain Brevity without Ob-
scurity, maugre Horace,*

—Brevis esse laboro
obscurus fio.—

To the Reader.

Greatly following Mr. Dalton's
Method, to comprehend the
Meaning of these Great Terms
Fragments of the Law, before
mentioned, by an exact History
of their Laborate & Learned
Work, which may be said to
contain the very Substance of
Learned Jurisprudence.

Printed by the Author.
opscurus no.

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it necessary to add many *New Laws*, and make several *Alteration* in the *Old*; Those former *Books* being utterly (without any *Reflections* on the *Authors*) become very *Defective* or *Erroneous*; I thought it no ill Service to compile a *New Collection*, adapted to our *Present Age*; and my *Hopes* and *Endeavours* were, that for *Clearness* of *Method*, *Exactness* of *Authoritys* and *Compleatness* of *Matter*, it should exceed any *Treatise* of that kind yet extant: But how far I have been able to reach those *Ends*, is with an *Entire* *Resignation* left to your *Lordships* *Profound Judgment*; which is the *Standard* of *Present Times*, and will be the *Oracle* of *Posterity*. The *Laws* of *England* for *Antiquity* and *Wisdom*, for *Equity* and *Sufficiency* to all the *Ends* of *Good Government*, are exceeded by no *Humane Constitutions* in the *World*: and 'tis both their *Honor*, and the *Peoples highest Security*, when they are administered

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stred by Judges of Skill and Courage,
and unbyast Integrity; Hence it is that
all Loyal Englishmen applaud His Ma-
jestys Heavenly inspired Wisdom, as in
his other Conduct, so particularly in the
Choice of your Lordship to that High
Seat of Judicature, to which the Ne-
cessitys of the Publick, as well as your
own Merits called you: the Complexion
of the Times apostemated with Plots
and Defiances to Good Order and Go-
vernment, and sowr'd with the Leaven
of a Restless Tribe of Malecontented Hi-
pocrites of Cross-biting Parties, required
a Person of your Lordships Abilitys,
such a penetrating Brain and clear
Eye-sight as can obviate threatned Mis-
chiefs, by spying out, at a Distance, the
Cockatrice of Rebellion, brooding over
the Eggs of Sedition; an Heart that
antedated with Loyal Zeal, dares both
meet and dissipate Growing Venome,
and severely punish Rampant Villany;
and, in the Service of God and the King,
contemns

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contemns the *Hissing* of Venemous Serpents, the *Snarlings* of Republican Beagles, and all the croaking *Murmurs* of *Faction*.

With what a steady *Judgment* and impartial *Candor* do we behold your Lordship distributing *Justice*, with what an *Active Diligence* seeking out Truth through all *Disguises*? how dreadful is your very Name to *Forgery*, *Perjury*, and all the *Crafts-Masters* of *Fraud* and *Guilty Oppression*? 'Tis to the *Age* of your Lordships *Sagacity* and strict *Justice*, our *Age* must owe its *Amendment of Manners*; for all that durst hope to *baffle* the *Laws*, must now *dispair* since they find them animated with your *Undaunted Vigilancy*. This is not the proper time to Write your Lordships *Panegyrick*, that must be the *Subjects* of *after Ages*; for whilst you are just to all the *World*, you are too *Partial* against your *Self*, as not to endure even those *Acknowledgments*,
that

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that are infinitely below your *Merits*; all therefore we can do, is, in *Grateful silence*, to Entertain our present *Happiness*, wherein our *General Joys* are not a little increased by this *Consideration*, that You being in good *Season* both *Necessary* for Us and *Auspicious* to yourself: for being yet in the *Vigour* of your Years, we are promised a long *Continuance* of that *Felicity* in your *Lordships Administration*, for which *Publick Blessing*, desired by all *Loyal Subjects*, none shall importune Heaven with a more *Affiduous* and *Disinterested Devotion*, than he that is proud of this *Opportunity* to Profess himself,

Your HONOURS,

Most humble and most intirely

Devoted Servant

J. B.

C H A P. I.

Of Conservators of the Peace at the Common Law.

TH E King is the Principle Conservator of Peace, The Kings Majesty. from whom the Administration of all Justice, and the Jurisdiction of all Causes were originally derived.

The Lord Chancellor or Keeper, Lord High Steward Great Officers of the Realm. of England; Lord Marshal and High Constable of England, Lord Treasurer of England, and every Justice of the Kings Bench, and Master of the Rolls are Conservators of the Peace over all the Realm, and may award Precepts and take Recognizances for the Peace, by virtue of their Places, and upon not finding Sureties for the same may Commit to Prison.

The Chamberlain of Chester hath the Conservation County Palatine. of the Peace within that County Palatine. But all the Conservators now adays have Commissions by which they act.

There are others that are Conservators of the Peace Judges within their view. by virtue of their Offices, and within the Precincts of their respective Courts, viz. Justices of the Court of Common Pleas, Barons of the Exchequer, and Justices of Assize and Gaol delivery; all which may grant the Surety of the Peace, and if the Offenders be within their view, they may send their Officers to bring them before them, and for want of Sureties may Commit them. Only Justices of Assize (as such) according to Mr. Lamberts opinion, can award no Process, or take Sureties of the Peace.

The Stewards of the Sheriffs Turn, of a *Leet*, of a Court Courts of Record. of *Pipowder*, are likewise Conservators of the Peace within their several Courts, and may commit for an Affray done in their Courts, while they are executing their Offices, but can grant no Process of the Peace. They may also impose a Fine for Contempt; The like Law is in all other such Courts of Record.

Sheriff.

The Sheriff is principal Conservator of the Peace, and upon request may require the Surety of the Peace and may take the same *ex officio*; and this seems to be by the very words of his Commission.

Coroner.

Coroners are Conservators of the Peace and take Surety of the Peace by Obligation.

High Constables.

The High Constables are Conservators of the Peace, and at their Petty Sessions may Commit for an Affray.

Constable.

Petty Constables are Conservators of the Peace *ex officio*, and must use their endeavours to keep the Peace, and may cause such to find Sureties to keep the Peace, as well before as after the Affray; So Borsholders Thirdboroughs, Tythingmen, and Headboroughs, or Chief pledges have the like Authority at least in their absence, for otherwise they are but assistants to them in the Parish at large, *viz.* such Parishes as have Constables, for otherwise they differ but in name. All these may make Deputys because but in ministerial Offices.

Constables.

A Constable for the breach of the Peace in his presence may secure the party in the Stocks or elsewhere, untill he carry him before a Justice of the Peace or to the Gaol, or he himself may take Sureties of the Peace from him by Obligation to the Kings use, or imprison him for want of such Sureties according to the opinion of Sir Thomas Edgerton, Lord Chancellor, which Obligation is to be certified by the Constable into the *Exchequer* or *Chancery*, whence Procees shall issue to levy the debt.

Secure the Party.

Obligation.

All Conservators of the Peace may command the assistance of others to arrest all such who in their presence shall break the Peace, and for their neglect herein may be punished by Indictment.

CHAP. II.

The first Ordaining of Justices of the Peace.

Justices of Peace their beginning.

Justices of the Peace were ordained by the Statute of *Edw. 3. cap. 16. Anno Dom. 1327.* and afterwards in the same Kings Reign by a Statute made in his 36 year they *cap. 12.* received their names of Justices of the Peace, and since *Custodes pacis* and *Iusticiarii pacis* have been adjudged to be the same Office, they and every one of them

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them are Justices of Record; his Warrant likewise is matter, of Record, not to be disputed by the Constables any further than whether the Justices have Connuſance of the Cause or not; by the 12 R. 2. cap. 10. there should be but six Justices of the Peace in every County with the Justices of Assize; by a Statute made two years after they were enlarged to eight; by a subsequent Statute all Justices of the Peace (except Lords and Judges) are commanded to be resident in their respective Counties.

CHAP. III.

Matters concerning the Peace in general.

Peace is legally taken for an abstinence from actual and injurious force, and offer of violence: for the maintaining of this Peace, these Justices were first ordained. Peace what it is?

The breaking of it is the using violence against the Persons, Goods, Lands or Possessions of another by words, gestures, or force of body in any thing done *in terrorem* of the People. How it is broken?

This Peace is to be preserved by these Justices and that three ways. (1) Preventive by taking Surety for the keeping of it, or good behaviour. (2) pacifying such as are actually breaking it. (3) Punishing those that have broke it. How it may be preserved?

The power of constituting these Justices of Peace is now only in the King, which formerly in part was delegated to others; but is since reassumed by the Statute 27 H. 8. Cap. 14. Justices by whom to be constituted?

There are three sorts of Justices of the Peace and created by as many ways. (1) By Act of Parliament, as the Bishops of *Ely* and their Stewards, the Archbishop and Bishop of *York* and *Durham* and their Chancellors, 27 H. 8. cap. 24. Three sorts of them,

(2) By the Kings Letters Patents under the great Seal, (and by his Bill assigned) as Maiors, &c. Chief Officers of Towns Corporate, and such the King cannot discharge at his pleasure, but for cause the Liberties may be seised, and likewise a concurrent jurisdiction may be granted to others in the same place.

If the Justices by Letters Patent have any Commission Commission on ad audiend.

on *ad audiendum & terminandum*, this grant as it seems is void unless some one person Learned in the Laws be joyned with them both. These particular sorts of Justices may execute all the power given by Statute to any Justice of the Peace, but have not as large authority as is usually given.

(3) Justices of the Peace by Commission. These are made of course under the Great Seal of *England*, and appointed by the discretion of the Lord Chancellor, or Lord Keeper (in *Lancaster* they are made under the Seal of the Dutchy) their Authority is determinable by the demise of the King at the Kings pleasure, and that either signified by *Supersedeas*, which doth but suspend their Authority and may be revived by *Precedendo*, or (Secondly,) By implication, as by granting Commissions to others, which is the same likewise leaving out the old ones, whose power ceases either by notice, reading the new Commission or holding Sessions by vertue of it, but nothing already done by them shall be deemed void or Process, &c. then depending be discontinued. (Thirdly) By accession of another Office as of Sheriff in the same County, during which time it is suspended as it seems; but if made a Coroner it is held by some opinion that his power is extinct, but an accession of any honour or dignities takes not away their power.

Note, All new Offices of inheritances, and also such Officers as are chosen by the the People by Virtue of the Kings Writ or any otherwise are not determined by the demise of the King, as Coroner, Constable, &c.

CHAP. IV.

What Oaths they must take before they can execute their Authority.

EVery Justice of Peace before he takes upon him to exercise his Office shall take two Corporal Oaths, the one relating to his Office, the other to the Kings Supremacy, the former of which see after,

The first of these seemeth to be by force of the Statute 13 R. 2. cap. 7. much like to that was appointed the Statute made 18 Ed. The second is by the Statute

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rate of 5 *Eliz. cap. 1.* which are commonly taken by *Deilimus* out of *Chancery* which if it be not returned the Commissioners to whom it was directed are fineable, and likewise the Justice for executing his Office before he hath taken it, or for not executing it after he hath taken it, but especially if he shall do any thing that is Contrary to his Oath; and these Offences are now punishable in the *Kings Bench*, either by Indictment or Information, the *Star-Chamber* being abolished.

The Oath of Supremacy was formerly taken at the Sessions or Assises, but on better consideration of the wording of the Statute, is now taken no otherwise then as above.

Now concerning the time of holding the Quarter-Sessions, See Stat. 2 *H. 5. 4.*

That they ought to be kept in the first week after the Feast of *St. Michael*, after the *Epiphany*, after the Feast of *Easter*, and after the translation of *St. Thomas* the Martyr being the third of *July*, and accordingly the Quarter Sessions ought still to be holden through the Realm unless in *Middlesex*, where they are kept but twice in the year by Stat. 14 *H. 6. cap. 4.*

For keeping the Quarter Sessions, See Statute 36. *Ed. 3. 12.*

Two other Oaths there are which he is bound to take at this time, that of Allegiance by the Statute 7. *Jac. cap. 6.* the other by 25 *Car. 2.* against Popish Recufants the form of which see after.

CHAP. V.

What Power they have by their Commission?

SEE the form of the Commission of the Peace. You may see by the conclusion of the Commission that the *Custos Rotulorum* shall have the keeping of the Records of the Sessions and Indictments, Recognisances, &c. but not of special Records, as of Riots, Precepts of the Peace, &c. not belonging to the General Sessions.

A Justice of the Peace by Verrue of the word *assignatus* in the Commission is constituted Conservator of the Peace, and hath thereby a separate Power, and may

do all Acts apart and by himself, for the preservation of the Peace; but where Statutes are made for the Peace, and no power therein given to a single Justice, he can only admonish, and if not obeyed, prefer it to the Sessions, where by a Presentment upon the Statute, the Party must be Prosecuted.

The King by his Commission may grant the Execution of one or more Statutes to whom he please; though the Statute give not such Power, nay of such Statutes as were made before Justices of the Peace were Constituted, as the old Statutes of *Winchester* and many more.

Secondly, Two Justices of the Peace by virtue of the word *assignavimus* have joynt power one of them being of the *Quorum*. (1) To enquire (by *Fury*) of all offences mentioned in the Commission. (2) To take Indictments. (3) To grant out Process. (4) To hear and try the offence upon Indictment formerly taken before themselves, or other Justices of the Peace, matters belonging to the second *assignavimus* belonging to the General Sessions. Note, where Statutes give power to Justices it may be executed by them, though not mentioned in their Commission, or if mentioned there, though not in the Statute.

CHAP. VI.

Concerning Justices in General.

THE Authority of the Justices of Peace (both by their Commission and by their Statutes) is either.

1. Ministerial or Regular, and they are thereunto commanded by an higher Power, as

1. Upon a *Supplicavit* out of *Chancery*, or *Kings Bench*, for taking surety for the Peace, or good behaviour. See *Tit. Peace*.

2. Upon a Writ on the Statute at *Northampton* for a forceable Entry.

3. Upon a *Certiorari* out of the Courts at *Westminster* to certify any Recognisance, Indictment of other Record either taken before them or in their Custody.

In

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In all which cases, the Justices may act no otherwise then they are authorized by the Writs, which they must likewise return into the Courts whence they issued, *viz.* with their doings thereupon.

2. Judicial or absolute wherein they proceed *ex officio*, and as Judges, for there is little or nothing left to their discretion. By this authority they are to proceed in most matters, observing these Rules.

Where the Matter is to be tried by Witnesses regular, two Witnesses are requisite. Otherwise it is where the Tryal is by a Jury, for there one witness sufficeth and many times no witnesses at all are necessary.

Tryal of Offenders by examination of Witness is not justifiable but only in such cases where some Statutes direct the same.

A Justice cannot bind over an Offender against the Penal Law without being first Indicted. 1 *Ed.* 6. cap. 1. *Lamb.* 187.

An Infant and Feme Covert seem both of them to be bound by every Statute, in which they are not excepted *Dy.* 104. p. 13; *Co.* 11. 80. *Sed quare*: *Bro. Tit. Inpris. Contra.*

If any Statute mention proof single it shall be understood of the best proof which is by Jury *Co.* 1. 6. f. 20. *Gregorys Case.*

All Articles within the Commission of the Peace are Enquirable and Determinable at any special Sessions, *Lamb* 623. So it is where a Statute useth the word Sessions indifferently *Lamb*, 624.

Note that the Statutes of 4 *H.* 7. 12. 33 *H.* 8. 10. 37 *H.* 8. 7. Give further power to Justices of the Peace in some cases, then is expressed, either in their Commission or in any particular Statute.

Note also that the Justices may enquire of such trespasses whereupon any man may have an Action upon his Case for the Trespass or Deceit: For in the end of such Action upon the Case these words are inserted, *Contra pacem nostram, Fiss, Justice f.* 12. 6.

CHAP. VII.

Statutes whereby one Justice alone hath power given him.

NOte one Justice only cannot take any Inquisition unless power be given him by some Statute. *M. 7. Ed. 4. fol. 18.*

In the Catalogue ensuing I shall observe (where the subject matter will afford it) 1. The offence. 2. The Statute against which 'tis committed. 3. What Conviction is requisite, And lastly the Penalty.

One Justice alone may punish Inkeepers, &c. Selling less then one quart for a penny; 1 *Fac. cap. 8. 21. Fac. cap. 7.*

By proof of one Witness, View or Confession.

Shall be disabled for keeping an Alehouse for 3 years. And forfeit twenty shillings to be levied by distress &c. after six days, and for want of distress to be committed till payment.

If Constables shall neglect to levy the penalty, or not certifie the want of distress within twenty days, shall forfeit forty shillings to be levied, *ut supra.*

May punish Inkeepers, &c. suffering any of the Parishioners to continue tipling in their houses 1 *Fac. 9. 21. Fac. cap. 7.*

By proof of one Witness, or view.

Shall be disabled, &c. And forfeit ten shillings to be levied by distress *ut supra.*

Constables, &c. not performing their Duty shall be punished, *ut supra.*

May punish any Inkeeper, &c. suffering any person what ever, to continue Tipling in his house, 1 *Fac. 9. 21 Fac. 7. 1 Car. 4.*

By proof of two Witnesses, or view.

Shall forfeit ten shillings to be levied by distress, and to be sold in six days, restoring the overplus; for want of satisfaction, for want of distress to be committed till payment, and disabled *ut supra.*

May punish any Convict for being drunk, but the Conviction ought to be within six Months after the offence committed; 4 *Fac. 5. 21 Fac. 7.*

By

By proof of one Witness or on view.

Shall be bound with two Sureties to the good behaviour in ten pounds, and pay five shillings to the Church-Wardens within one week after Conviction, or else to be levied by distress and sale, and for want of distress to be set in the Stocks three hours, the Constable not levying it shall forfeit ten shillings to the Poor, to be levied *as supra*.

May punish Townsmen, or others continuing Tipling in any Inn, &c. 4 Jac. 4. 21 Jac. 7.

By proof of one Witness or view.

Shall forfeit three shillings and four pence to be levied by distress; after one Week's neglect of payment, to sit in the Stocks four hours, and the Alehouse-keeper disabled, *as supra*. The Constables for their neglect shall forfeit ten shillings.

May punish Common Victuallers, for keeping any Dressed or killed Flesh in their houses in Lent. 1 Jac. 29. 3 Car. 4.

Upon View, shall seize it, and give it to the poor.

May punish Offenders in case of forceable Entry 5 R. 2. cap. 7. 15 R. 2. cap. 21. 8 H. 6. cap. 9. 31 Ed. 1. cap. 11. M. 21. H. 6. fol. 4.

Upon view only, shall be imprisoned, fined, and remove the force, and upon pledge found upon the fine to deliver them. But restitution cannot be made without Enquiry. Dalt. 44. 45.

May make restitution of Possessions unto Tenants, for years (by Copy of Court Rolls) Guardians by Knight Service, Statute Merchant, Staple, or Tenants by them for holden in case of forceable Entries. 21 Jac. 14.

By Enquiry only, not else in any case. In this case of Restitution, he may not upon the Enquiry Fine or Commit them, nor can Restitution be made without Enquiries Dalt. 44. 49.

May Enquire of the default of Sheriffs, not returning sufficient Jurors to enquire of forceable Entries, 8 H. 6. 9.

By Indictment shall be Fined twenty pounds.

May punish keepers of Play-houses, and of unlawful Games, viz. Kale, Hand-ball, Foot-ball, Dice, Coits, Bowlings, &c. 32. H. 3. 9. 12 R. 2. 11. H. 4. 4. 17 Ed. 3. 4.

Shall be imprisoned till they become bound by Recognizance to keep no more; May

May punish such as shall play in such Houses, 33 H. 8. 9.

Shall be imprisoned until he become bound by Recognizance to play no more, and upon view pay six shillings and eight pence, to be recovered in Quarter Sessions, 31 El. 8.

May punish such as shall any where play at unlawful Games out of *Christmasts*, 33 H. 8. 9.

Upon view or knowledge of the same, may punish such as on the Lords day assemble out of their own Parish for Sports, or Pastimes : And such as on the Lords day shall use Bear-baiting, &c. or any other unlawful Exercise, 1 Car. 1. 8.

Upon one Witness, view or Confession, shall forfeit three shillings and four pence to the Poor, to be levied by distress, &c. restoring the overplus, and for want of distress to set in the Stocks three hours.

May certify the Names of such into the *Kings-Bench*, as shall for twelve Moneths absent themselves from Church, 27 Eliz. 7.

Shall in the *Kings Bench* be bound in two hundred pounds to be of the good behaviour, and if then he absent himself from Church for twelve Months, he forfeits his Recognizance, *Dch.* 163. *Lamb.* 114, 115, 127, 180.

May punish such as go not to Church on Sundays, and Holy-days, 1 Eliz. 2. 3 *Fac.* 4.

Upon proof of one Witness, shall forfeit twelve shillings for every default, to be levied by distress, and for want of distress to be committed to some Prison until the same be paid.

May punish those as shall wilfully disturb such as are allowed to Preach, or he that doth rescue any Offender, 1 Mar. Ses. 2. c. 3.

By proof of two Witnesses or Confession, shall be Committed to safe Custody, and within six days if (upon Examination) that Justice with one more shall find him guilty, then to be committed for three Months.

A Justice of Peace having made discovery of any *Agnus Dei*, Crosses, Pictures or Beads, must declare the same to some of the Privy Council, 13 Eliz. 2. Shall incur the penalty of a *Premunire*.

May take the submission of any Priest or Jesuit, and tender him the Oath of Supremacy within three days after his being in England, 27 Eliz. 5. Shall certify the Oath

Oath and Submission within three Months into the *Chancery*, or forfeit 100 l.

May require Seditious Sectaries not conforming within three Months after Convicted to reform, and for default thereof require them to abjure the *Realm*, 35 *Eli*. 1. 8.

It is Felony for him to refuse to abjure, but it must be done in open Sessions.

May require Popish Recusants above the Age of sixteen, travelling five Miles from their own dwelling without Licence, (not having twenty Mark Freeholds, or not worth forty pounds in Goods) to Conform 35 *Eli*. 2. Two Justices of the Peace, or Coroner may require him to abjure, if he conform not in three Months, and certify the Abjuration at the Assises, and on refusal then to abjure 'tis Felony without Clergy.

May give the Oath of Supremacy to Priests or Jesuites that shall within three days after their Landing submit themselves, and acknowledg their obedience to the Kings Laws in Causes of Religion, 27 *Eli*. 2.

Shall forfeit 100 l. if he neglect to certify the Oath and Submission into the *Chancery*.

May punish Swearers, &c. if complaint be made within twenty days, 21 *Fac*. 20.

Upon proof of two Witnesses or Confession shall forfeit one shilling to be levied by distress or sit in the Stocks three hours, if not twelve years of age shall be whipped.

May command Hue and Cry to be made after Felons, and Watches to be set between the Feasts of *Ascension* and *Michaelmas*.

May cause high ways to be enlarged. May chose two Constables in every hundred. And require Constables to present such as lodge Strangers in upland Towns, for whom they will not answer, Stat. *Winchest*.

May upon discovery of any Priest or Jesuit inform the Privy Council within twenty days, and take a Note thereof under their hands, 27 *Eli*. 2. Shall forfeit 200 Marks.

If any above 20 years old shall stand presented or Indicted for not coming to Church, or if the Minister, or Petty Constable, and Churchwardens, or two of them, shall complain of any suspected, 7 *Fac*. 6.

May require him to take the Oath of Allegiance, upon refusal commit him until the next Sessions or Assizes. If

If any suspected to be a Jesuit or Priest shall refuse to give a direct answer, 35 *Eliz.* 2. Shall be committed without bail till he doth.

May take information of such as will give notice where Mass is to be said, within three days after the Offence: 3 *Fac.* 5.

May punish such as secretly wear Coats of Mail; carry Daggers and Pistols, and such as ride Armed Stat. *North.* 2. *Ed.* 3. 5. *Pult.* de p. f. 3. *Sell.* 8. *Co. lib.* 5. fol. 7.

Upon view shall have their Armour taken from them, or prized by a Jury, and imprisoned at the Kings pleasure.

May punish such as rob Orchards, Woods, Steal Rails or Corn, &c. 43 *Eliz.* 7. Upon proof of one Witness shall be Whipped or make satisfaction; The Constable neglecting to punish such shall be committed.

May punish such as make bad Tyle, 17. *Ed.* 4. 4.

Upon proof of two Witnesses, or by Indictment shall for every hundred of plain Tyle forfeit five shillings, and for Roof Tyles six shillings and eight pence.

May punish such as stretch their Cloath on Tenters 39 *Eliz.* 20. 43. *Eliz.* 20. 4 *Fac.* 2. 21 *Fac.* 18.

Upon view a Justice of Peace or Head Constable may deface them, and after sell them, and the money to be given to the use of the Poor.

May punish such as keep Markets or Fairs in Churchyards, Stat. *Winch.* 13 *Ed.* 1. Shall be Fined.

May punish Soldiers Purloining Armour, Horses, or Harness, and 3 *Ed.* 6. 2. Upon complaint or proof shall be committed until he make satisfaction.

May punish the Sheriff if he shall enter several Plaints for one Cause, or if the Plaintiff give not security to Prosecute his Actions. 11. *H.* 7. 15.

Upon Examination of the Clerk of the Shire, and Plaintiff, shall forfeit for every plaint forty shillings; And the Justice neglecting to certify it into the *Exchequer* shall likewise forfeit forty shillings to be proceeded against by Process as in Trespas.

May punish Bailiffs of Hundreds for their neglecting to warn the Defendant in the County Court, 11 *H.* 7. 15. Shall upon Examination be Convicted. Pay for every offence forty shillings.

May punish Bailiffs not Sworn and others that shall gather the Amerciaments, of Sheriffs or take more than

is Estreated, not being first Examined by two Justices, 11 H. 7. 15. Shall be Convicted upon Examination, and forfeit forty shillings for every offence.

May punish all such as being five Miles from the Sea shall shoot in any Gun at large at any thing, except Licence to kill Hawks meat, 33 H. 8. 6. 1 Jac. 27. 15. Shall forfeit ten pounds to be Estreated into the Exchequer, and imprisoned till payment.

May punish any taken by the Watch, being suspected to be Robbers, 5 E. 13. 14. Shall be committed till the Assises, and bound to the good behaviour.

May appoint Conservators and Overseers of Rivers, and Survey them.

May punish such as from the midst of April till Midsummer, shall take Salmon in Mill-Pools, or kill any between the eighth of September and the seventh of November, West. 2. Ano. 13 Ed. 1. 46. 13 R. 22. Lamb. 190.

By Indictment or upon view, shall be Imprisoned 3 Months, and their Nets burnt.

May punish such as shall at any time destroy the fry of Fish with Nets, 13 R. 2. 19. Upon Enquiry or View, shall by Indictment in Sessions forfeit their Nets and ten shillings to be levied by distress, &c. restoring the Over-plus.

May punish Servants in Husbandry, &c. going from Town to Town, not having Testimonials of their Lawful departure, 5 El. 4. shall be imprisoned till he get a Testimonial, which he must procure in the space of 21 days, or punished as a Vagrant.

May punish such as being between the Age of ten and eighteen shall refuse to serve as an Apprentice at Husbandry, &c. being required thereto 5 Eliz. 4. Shall be committed untill he will serve.

May cause Artificers and others being able, to work by the day in Hay or Corn-Harvest, 5 El. 4. Shall be by the Constable set in the Stocks for two days and one Night, which if he neglect shall forfeit forty shillings in Sessions.

May Licence such as will go from County to County to work in Harvest, Eliz. 4.

May allow Masters to put away their Servants within the Term if there be cause, but not their Apprentice, 5 Eliz. 4. Dal. p. 60.

May Examine such as in the Night time take Pheasants

fants and Partridges, or Hawk in Eared Corn, 23 *Eli.* 10. Shall bind them over to the next Sessions, and upon refusal Commit them to Prison.

May take Recognisance for the appearance of such as take with Setting Dogs Pheasants or Partridges, and return it to the next Sessions 3 *Fac.* 11.

May Eftreat the forfeitures of such as are Convicted before him, for shooting in Cross-bows and Hand-guns, into the *Exchequer*, 33 *H.* 8. 6.

May certify the offence presented to him for not coming to the Highways, into the Sessions, 3 *Mar.* 8. 5 *El.* 13. 18 *Eli.* 9.

The Justice not certifying it shall forfeit five pounds, the Church Warden forty shillings not certifying to the Justice.

May Present to the Quarter-Sessions the Constables and Church-Wardens if they call not together yearly the Parishioners, the *Tuesday* and *Wednesday* in *Easter-week*, and chuse surveyers for mending the Highways, 5 *Eli.* 13. Shall upon their neglect be fined in the Quarter-Sessions.

May present Constables and Way-Wardens if they appoint not six days for the repairing of the Highways leading to Market-Towns: 5 *Eli.* 13. Shall upon the Justice Presentment be fined.

Houfholders, &c. refusing to Labour, or not sending every of the six days an able Labourer for eight hours, 5 *Eli.* 3. *Dalt.* 52. Shall upon the Justices Presentment be fined in Sessions.

Owners of Ground next the Highways not keeping their Hedges diked, and kept low, 5 *Eli.* 13. *Dalt.* 52. Shall be fined twenty shillings.

If any refuse being Elected Surveyers of the Highways, 5 *Eli.* 13. Shall be Presented in Sessions and Fined.

Surveyers of High-ways not Presenting within one Month such as neglect or absent them from repairing the Highways 5 *Eli.* 13. Shall upon the Presentment of one Justice be fined forty shillings in Sessions.

High-Constables and Bailiffs neglecting to levy the Amerciaments Eftreated for not repairing the Highways, or not making true account of sums levied to the Constables and Church-wardens of the Parish, or if the same be not laid out in the mending the Highways of

of the Parish, 5 *Eliz.* 13. Shall upon the Presentment of one Justice be Fined in Sessions.

May punish wandring Rogues, 39 *Eliz.* 4. Shall be Whipped and sent to the place of their Birth, the Constable neglecting it shall forfeit ten shillings to be levied by the Warrant of two Justices.

May Punish common Labourers which will not work for Wages assessed, and such as shall refuse as being appointed by the Overseers, 39 *Eliz.* 4. Judges Resolution, 10. 43 *Eliz.* 2. 7 *Fac.* 4. shall be sent to *Bridewell*.

Such as refuse to pay the Charges of their Commitment to the Gaol 3 *Fac.* 10. Shall be levied by distress and sale of their Goods by the Appraisement of four honest Persons.

Shall give Testimonials under his hand of the Landing of Marriners and Soldiers, with the Name of the place where they did Land, and where they are to pass, 39 *Eliz.* 4. 39 *Eliz.* 17.

May punish such as shall wittingly be the Publisher of false Prophecies, 5 *Eliz.* 15. *Dalt.* 78. By Enquiry, shall forfeit ten pounds, and be imprisoned without bail for one year.

May punish such as shall make to sell deceitful Mault, or Mault mingled, 2 *Edw.* 6. 10. 27 *Eliz.* 14. 21 *Fac.* 28. Upon view or information, shall be sold by the Constable, by the advise of one Justice of the Peace.

May punish Masters abusing their Apprentices, and not obeying the Justice of Peace's Order, 5 *Eliz.* 4. shall be bound to appear at the next quarter-Sessions.

May with the Clerk of the peace take and enroll deeds of Bargain and Sale, acknowledged before them within six Months; shall for Fees, of Land under forty Shillings *per annum*, pay 12 d. to the Justice of the Peace, and 12d. to the Clerk of the Peace, If above forty Shillings *per annum*, shall pay two Shillings Six pence to each.

May with the Customer certify the unlading, and Sale of Corn and Cattle (carried to any place of the Realm) to the Customer where it was landed, 5 *Edw.* 6. 14. 13. *Eliz.* 25.

May punish such as shall transport beyond the Seas, Mault, Beer, Butter, Cheese, or Wood, 2 *Mar.* 5. By Examination of Masters and Mariners, the Owner knowing it, shall forfeit his Ship, the owner of the Corn the value,

value, the master and mariner shall be imprisoned one year, and forfeit their Goods.

May examine Piers, their Servants and Workmen, if they made use of Logwood, and bind the Masters and them to the next Sessions, 39. *Eliz.* 11. shall if convicted in Sessions, pay ten Pounds and stand in the Pillory.

May Examine such as are brought before him for Felony, or suspected thereof, and the Information of those that bring them, shall be put in writing, 3 *Mar.* 10. shall be Fined by the Justice of Gaol-delivery.

May let to bail Prisoners in the Common-Gaol, if not for Felony or suspicion thereof, or for greater offences, or where by any statute bail is prohibited, 3 *H.* 7. 3. *Dalt.* 32.

May punish persons accused, for reporting false news, contrary to, *West.* 1. 34. and 2 *R.* 2. 5. shall produce the Author, or be imprisoned, or bound to the good Behaviour.

May make Taxes for Hospitals, if the Constables and Church-wardens do not, 45 *Eliz.* 2. shall be levied by distress and sale, and for want of distress be Committed.

May do the like for the assess of Mariners and Soldiers, 43. *Eliz.* 3.

May tax the Parish until the next Quarter-Sessions for the relief of disabled Soldiers, if the Parishioners and Church-wardens shall not refuse them, 39. *Eliz.* 17. 43. *Eliz.* 3. The Church-wardens making the rate, may levy the same without other warrant, but if done by Justice, it must be levied by his Warrant.

May grant forth his Warrant for the apprehending such as Hunt in Parks by Night, with disguised or painted Faces, or shall be thus suspected, 1 *H.* 7. 7. *Lamb.* 191. If they conceal it 'tis Felony, otherwise it is but a Trespass, fineable in the quarter-Sessions.

May within one Month after arrival, seize the Goods of people naming themselves *Egyptians*, 12. *H.* 8. 10 *Lamb.* 196. Shall have one moiety to his own use, and give account for the remainder in the Exchequer, after the Month, the Goods are all forfeited to the King.

May examine persons robbed, whether they know those that robbed them, and bind them to prosecute them by Indictment, 27 *Eliz.* 13. If they shall refuse, they cannot bring their Action and recover upon the Hundred.

May

May command Persons not to give relief to Strangers, Servants or Sojourners, as shall refuse to go to Church for one Months space, shall for every offence forfeit 10 l.

May Administer an Oath to Recufants confined which have Licence from him and three other Justices to Travel about their business. 3 Jac. 5. Lamb. 296.

May punish such as are Licensed to Transport Corn, Vintuals, or Wood; shall Transport more than is contained in their License, or shall Land the same; or any part thereof at several places; 2 Mar. 5. By enquiry and examination of Master and Mariners, shall forfeit their Corn, Goods and Chattles, and treble damages, and be imprisoned for one whole year.

May punish Carriers travelling with Horses, &c. and Drovers with Cattle on the Sabbath day, Butchers killing or selling Meat on the Sabbath day shall be punished, 3 Car. 1. By proof of two Witnesses, view or confession shall forfeit twenty shillings to the use of the poor to be levied by distress, &c. the Informer shall have the third part.

May punish such as usually sell Ale, Beer, &c. not having Licence, 3 Car. 3. Upon proof of two Witnesses or confession, shall forfeit 20 shillings to the use of the Poor, to be levied by distress, &c. after three days restoring the over-plus, and if no distress, or not paid within six days to be Whipped, for the second offence shall be sent to Bridewell, for the third to remain there till delivered by Sessions.

May compell Persons refusing to take cracked Money 19 H. 7. 15. At their discretion may commit them to Prison.

May command Persons dwelling with those that have the Plague, not to go abroad, 1 Jac. 31. Lamb. 197. If they attempt afterwards to go abroad may be enforced to keep in their Houses, if after restraint, they shall go abroad shall be accounted Felons or Vagabonds.

Clothiers not paying their Carders, Spinners, and others their Wages in lawful Money, 4 Ed. 4. 1.

Upon Examination

Shall for every default forfeit treble the Wages to the Workmen, &c. to be committed till payment.

Clothiers giving excesive weight to their Workmen,

4 Ed. 4. Upon Examination

Shall for every offence forfeit Six pence to the Work-

Workman shall be committed till payment.

Spinsters, Carders, Fullers, &c. neglecting their duty, 4 E. 4. 1. Upon Examination, shall forfeit to their Master treble wages, and by the Constables in the Petty Sessions shall be committed till payment.

May punish Soldiers, or Marriners found begging or counterfeiting a Certificate, 43 Eliz. 13. Shall loose his Pension and be punished as a common Rogue.

If any man shall keep any other Weight, Measure or Yard then is according to the standard at the Exchequer, 17 Car. 1. cap. 19. By proof of one Witness, shall for every offence forfeit five pounds.

Every Justice upon notice given him of Tobacco sown within his Parish shall destroy it, 15 Car. 2. cap. 7. Sheriff, Mayors, Constable, &c. may likewise do the same.

Every Justice a Month before the General Sessions shall grant his Warrant to every High Constable to search what Tobacco is sown, 22, 23 Car. 2.

May punish Persons for killing Deer without consent, 13 Car. 2. c. 10. Upon confession or one Witness, shall forfeit twenty pounds to the Owner and Informer, to be levied by distress, or the Offender imprisoned six Months.

May punish Quakers above five meeting under pretense of Religious Worship, 13, 14 Car. 2. cap. 1. Shall be Committed in order to Conviction.

May punish such as stop up an Hearth chargeable, 16 Car. 2. 3. Upon view Confession or upon Oath, shall forfeit double the duty, to be levied by distress.

May Commit Carmen, &c. taking Goods, Landed without Warrant from a Customer, 14 Car. 2. cap. 11. Upon proof of two Witnesses, must find Sureties before he be freed out of Prison.

May punish Silk-winders, &c. imbezelling Silks, &c. Received, 14 Car. 2. cap. 15. Upon Confession or one Witness, shall pay Damages to the looser or be whipped.

May punish suspicious Persons in the Night taking Pilchard-Boats, 14 Car. 2. cap. 28. shall forfeit five shillings to the Poor and be set in the Stocks.

May grant Warants to search for Wood, 15 Car. 2. cap. 2. The finding without proof by the possessor of the Property shall be Convicted of Stealing it, shall pay damages to the Owner, and any sum to the Poor under ten

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ten shillings, as the Justice shall name, or be committed and whipped any time under a Month by the like Order.

Shall Administer the Oath to Gagers to Gage, 15 Car. 2 cap. 11.

No Person shall stop any hearth, 16 Car. 2. cap. 3. Upon Confession, view or Witnesses, shall forfeit double the Duty to be levied by distress.

May punish Persons not burying in Woollen, &c. 13 Car. 2. cap. 4. shall forfeit five pounds to the Poor to be levied by distress.

May punish Persons present at Seditious Conventions, 22 Car. 2. cap. 1. Upon proof of two Witnesses, Confession or notorious Evidence of the fact, shall pay five shillings, for the second Offence ten shillings to be levied by distress.

May punish Constables permitting Waggon to pass contrary to the Act, &c. 28 Car. 2. cap. 12. Upon proof of one Witness, shall be fined not exceeding forty shillings to be levied by the High Constables.

May punish such as take Fish by Net, Engine, &c. in anothers Fish-pond, &c. 22, 23 Car. 2. cap. 25. Upon proof of one witness, not exceeding treble damages to the Party, and not exceeding ten shillings to the poor, to be levied by distress, or committed not above one Month.

Two Justices.

May punish Clothiers and others refusing to pay Wages assessed in Easter Sessions, 1 Jac. 6. Upon proof of two Witnesses or Confession, shall forfeit ten shillings to be levied by distress and sale.

May punish Clothiers putting Nouns, Thrums, or Flocks into Broad Cloath, 21 Jac. 18. Upon proof of two Witnesses or Confession, shall forfeit five pounds to be levied by distress, and for want of distress be committed.

May appoint in Towns not Corporate, Overseers for Cloath and swear them, 3 Ed. 6.2. 39 Eliz. 20. 43 El. 10. shall forfeit forty shillings and be Committed till payment, if he shall refuse the Office of being Overseer, shall forfeit 10 l. if they search not every quarter.

May in Towns not Corporate charge Overseers upon Oath, and bind them in Recognizance of forty pounds to use their best endeavour to discover those that make

deceitful Cloath. 39 *Eliq.* 20. *Dalt.* 53.

Overseers refusing to appear, or be bound, shall forfeit forty shillings, and be committed till payment. The Justice neglecting to appoint Overseers shall forfeit five pounds.

May (by Warrant) call any before them, and Examine him upon Oath for discovering offences, complaint being made by the Overseers of Cloth, 21 *Fac.* 18.

May punish Weavers, Carders, &c. imbezelling any Yarn or Wool, 7 *Fac.* 7. Upon proof of one Witness, shall make satisfaction, whipped or set in the Stocks, the receiver knowing it shall suffer like punishment.

May punish Persons making Mault, being Prohibited by order in Sessions, 39 *Eliq.* 16. Upon proof of two Witnesses or Confession, shall be committed without bail until he become bound in forty pounds by Recognisance to obey such order.

May punish destroyers of Pheasants, or Partridges, 7 *Fac.* 11. Upon proof of one Witness. One Justice may bind him by Recognisance in twenty pounds Bond not to kill or destroy any more, being first convicted before two Justices, &c. shall for such offence be committed three Months, or pay twenty shillings for each Bird so killed.

May punish destroyers of Pheasants, Partridges, &c. with Guns, Nets, Bows, or other Engines, 1 *Fac.* 27. shall immediately upon Conviction pay twenty shillings to the Church-wardens or Committed three Months.

May cause them to pay, for every Partridge twenty shillings, for other Fowls twenty shillings. For the Eggs of Fowls twenty shillings, for every Hair twenty shillings.

May cause them to pay for destroying every Partridge, Fowl or their Eggs, or Hair twenty shillings, 1 *Fac.* 27. Upon Confession or proof of two Witnesses. Or to give Recognisance in twenty pounds to kill no more, after Commitment one Month.

None not having ten pounds Inheritance, thirty pounds freehold, or not having goods to the value of two hundred pounds, or not paying forty shillings to the Poor, shall keep any Greyhound or Setting Dog, on pain to be committed and imprisoned if Convicted.

Any Man may in the day time by himself, or with his servant, take Partridges, between *Michaelmas* and *Christmas* having

having forty pounds freehold *per annum*, eight pounds Lease or Goods to the value of four hundred pounds.

May grant their Warrants to the Constable, &c. to search the house of any Person suspected to have Setting Dogs, Nets, &c. not having forty pounds Freehold, *per annum*, &c. *ut supra*, 7 *Fac.* 11. Shall kill their Dogs and cut in pieces their Nets.

May punish such as Hawk before the first of July and the last of August, 7 *Fac.* 11. 23 *Eliq.* 10. Upon proof of two Witnesses, shall suffer three Months imprisonment; if Convicted within six Months, or pay for every Hawking forty shillings, and twenty shillings for every Pheasant or Partridge he shall kill.

May punish such as not having forty pounds Inheritance *per annum* or not worth two hundred pounds in Goods, or hath not a Warren or ground inclosed to the value of forty pounds *per annum*, that shall keep Guns, Bows, to destroy Deer, Conys, &c. or shall keep Purse Nets, Ferrets or Cony Dogs, &c. 3 *Fac.* 13. Such may take and keep them which have a hundred pounds *per annum*.

May punish Officers being found faulty touching Weights and Measures, 11, *H.* 7. 4. Upon Enquiry or Examination, shall be fined.

May find such as shall sell or buy with Weight and Measures not sealed, 11, *H.* 7. 4. Upon Enquiry or Examination shall be fined as the Justice shall think fit.

May punish such as shall disturbe Ministers Licensed to Preach, 1 *M. Parl.* 1. *cap.* 2. Upon proof of two witnesses shall be imprisoned three Months, and so to the next Sessions.

May require Recusants Convict travelling above five miles from home to abjure, if they Conform not within three Months, or not having forty Marks, *per annum*, or not worth forty pounds in Goods, 35 *El.* 2. *Lamb.* 338. Quorum unus.

It is Felony for such to refuse Abjuration, such as abjure their Abjuration must be certified to the next Sessions.

May require Persons Convict or Indicted for not absenting themselves from Church or not receiving the Sacrament twice the year past, or Strangers passing through the Country, who upon Examination by Oath are found to be Recusants, &c. to take the Oath of Allegiance, 3 *Fac.* 4. Quorum unus

Upon refusal shall be committed without Bail till he will take it, to the next Assises or Sessions.

Any under the degree of a Baron, being above 18 years old may be required to take the Oath of Allegiance. Upon refusal shall be committed without Bail till he shall take it.

May search for Popish Books and Reliques in the house, of such as are Popish Recusants Convict, or such whose Wife is a Recusant Convict, 3 *Fac.* 5.

Shall in open Market deface their Crucifixes and Reliques of Price, and restore them to the owner, but other Reliques and Books shall be burnt.

Married women being Recusants Convict may be punished by two Justices *Quorum unus*, 7 *Fac.* 6. shall if the conform not within three Months be committed till she doth, or the Husband pay ten pounds every Month or the third part of his Lands.

May take within six days after their return the submission of such as are reconciled to the Church of Rome, and give them the Oath of Allegiance and Supremacy, and certify it into the next Quarter Sessions 3 *Fac.* 4. shall forfeit forty pounds if he certify it not.

May Examine strangers suspected to know whether Priest or Jesuit or no? 35 *Eli.* 2. Upon refusal to answer directly shall be committed till he doth.

Quorum unus

May cause Captains In this Realm having the charge of Souldiers, and such as have the charge of Castles, Forts, Garisons to take the Oath of Allegiance, 7 *Fac.* 6. shall upon refusal be committed till the next Assizes or Sessions.

May punish such as put out such Poor out of their Parish, as ought not to be put out, 39 *Eli.* 4. Upon proof of two Witnesses or Confession, shall by Warrant from two Justices of the Peace *Quorum unus* be bound to the good behaviour, and forfeit five pounds.

May punish overseers of the poor if faulty, *Quorum unus*, 43. *Eli.* 2. Upon proof of two Witnesses, shall upon default of not meeting every Moneth forfeit twenty shillings, if refuse to give an account shall be committed.

May punish such persons as shall run away and leave their family to be chargeable to the Parish or such as shall threaten so to do 7 *Fac.* 4. Upon proof of two witnesses, Upon refusal to give Security to discharge the Parish shall be sent to *Bridewell* and punished as incorrigible Rogues

May punish such as have a bastard Child if likely to be chargeable to the Parish, 7 *Fac.* 4.

Shall

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Shall from the privy Sessions be sent to *Bridewell* for one year, and be bound not to offend again in the like nature.

May provide for the maintenance of Bastards; and ease of the Parish, and punish the Mother, and reputed Father, of such Bastards, 18 *Eli.* 3. If they perform not the order without Appeal, and Bond given to abide the order of the next Sessions (if they there shall make any) or else to obey the former order) they are to be Committed untill, &c. Quorum unus

May Licence Poor Persons to go to the Bath, &c. 39. *Eli.* 4. shall be punished as Rogues if found without licence. Quorum unus

May within one Month after Easter appoint Overseers for the poor yearly, 43 *Eli.* 2. Every Justice neglecting so to do shall for his neglect forfeit five pounds.

May punish such as will not suffer Rogues to be punished 39 *Eli.* 4. Upon proof of two Witnesses or Confession, shall be bound to the good Behaviour, and forfeit five pounds to be levied by distress and sale. Quorum unus

May punish Officers negligent in the punishment of Rogues, 39 *Eli.* 4. Upon proof of two Witnesses or Confession, shall forfeit ten pounds to be levied by distress &c. Quorum unus

May punish Officers negligent in the punishment of Rogues, 39 *Eli.* 4. Upon proof of two Witnesses or Confession, shall forfeit ten pounds to be levied by distress, &c. Quorum unus

May punish such as shall suffer Rogues to go from their doors, and not apprehend them, 1 *Fac. cap.* 7. Upon proof of two Witnesses or Confession, shall forfeit ten shillings &c. The Constable not punishing Rogues brought to him shall forfeit twenty shillings. Quorum unus

May hear and determine all matters which shall come in question, upon the Statute of Rogues, 39 *Eli.* 4. *Lamb.* 331. Upon proof of two Witnesses or Confession. Quorum unus

May punish Masters retaining such as are out of Service, and not having a testimonial of their lawful departure, 5 *Eli.* 4. shall forfeit five pounds to be recovered in Sessions. Quorum unus

And such as give not the wages rated in Easter Sessions, *Lamb.* 330. The Covenant shall be void, and the Master imprisoned ten days without Bail.

May cause Labourers and Artificers not to depart from their Masters till their work be ended, if they will have them so long and pay them their Wages, 5 *Eli.* Quorum unus

4. shall have an Action of debt against such in the Sessions, be imprisoned one Month, and forfeit five pounds.

Quorum unus May punish Masters who shall put away their Servants at the end of their Term not giving them a quarters warning, § *Eli. 4.* The matter upon complaint being heard and examined. Shall in Sessions forfeit 40s.

May likewise punish Servants departing from their Masters, not giving them a Quarters warning before two Witnesses, § *Eli. 4.* The matter upon Complaint being heard and Examined.

And if he shall not depart with the consent of a Justice of Peace shall be committed till he will serve.

Such as have promised to serve, and afterwards shall refuse § *Eli. 4.* The matter upon complaint being heard and examined shall be committed till bound to serve.

May punish Servants Assaulting their Masters, or such as are their Overseers, § *Eli. 4.* Upon proof of two Witnesses or Confession, shall at the discretion of the Master suffer one years imprisonment, or less if he think fit, except loss of life and member.

Quorum unus May cause Women unmarried between the Age of twelve and forty, being not in service to serve by the year, day or month, &c. and for such wages as they shall appoint. Men likewise above twelve and under sixty shall be compelled to work at Husbandry, § *Eli. 4.* Upon refusal be committed till he will serve, but if under twelve years she may not be compelled, nor bound by Covenant, Boys not being Apprentices (which they may at ten years, and with Fishermen and Gunners at seven years) may not be compelled to serve.

Quorum unus May forbid those that are common sellers of Ale and Beer. or such as are prohibited, or sell without Licence, § *Ed. 6. 25.* shall be committed three days and fined in Sessions twenty shillings; The discharge and offence must be certified to the next Sessions, which is a Conviction, and must be fined upon the Certificate.

Countys within five miles of Towns infected with the Plague shall be taxed, for their weekly relief: 1 *Fac. 31.* This Tax must be certified at the next Quarter Sessions.

May punish Officers not collecting Rates made for the relief of Persons infected: 1 *Fac. 31.* Shall for every offence forfeit ten shillings.

May appoint Watchmen, Searchers and keepers of Persons

Persons infected with the Plague, 1 *Fac.* 31. Shall administer them an Oath for performance of their Office; 'Tis Felony for any after restraint to go abroad, having any infectious sore upon him not cured; if no sore shall be bound to the Good Behaviour, and punished as a Vagabond.

May punish Persons refusing to obey the Sentence of Ecclesiastical Judges in case of Tythes, 27 *H. 8. cap.* 20. 32 *H. 8. 7.* 27 *Eli.* 11. shall be committed till he shall obey such order.

May assess Hundreds and Towns, for levying of Monys lost by Robbery, 27 *Eli.* 13. Must be proportioned by the Constables upon the inhabitants, and levied by distress.

May order what Fisher-men shall be pressed for Marriners, 5 *Eli.* 5.

May punish Rioters, 13 *H. 4. 7.* 2 *H. 5. 8.* 8 *H. 6.* 14. 19 *H. 7. 13.* By Indictment, shall be fined and imprisoned.

May punish such as shall escape Taxations at Subsidues, *Lamb.* 336. 3 *Car.* p. 18. 19. shall be doubly charged and punished as the Justices shall think fit.

May Bail Persons committed for Felony or Suspicion thereof, 2 *Mar.* 13. Shall be fined by the Justices of Gaol delivery.

May Bail Persons imprisoned upon Process from Sessions, made upon Penal Statutes, not forbidding Bail, *Lamb.* 348.

Quorum unus

May joyn with the Bishop and Chancellor in taking of Accounts of Collectors of Moneys, and Revenues belonging to any Hospital, 14 *Eli.* 5. 39 *Eli.* 18.

By Statute 2 *H. 5. 1.* The Ordinary may make enquiry and punish by Censures and Laws of the Church, without any other to assist him. If it be an Hospital which is not founded by the King, if it be, then he must have a Commission to enquire.

May set on work Soldiers and Marriners coming from Sea, not having work in the place where they live, 35 *Eli.* 17. Shall Tax the whole County for their relief until they have Work.

May divide the fourth part of a Wood being appointed by the Sessions upon complaint of the Lord, 35 *H. 8.* 7. 13. *Eli.* 21.

May overlook Sheriffs Books and Amerciaments and Seal the Indentures of his Estreats being appointed by the *Custos Rotulorum*, or eldest of the *Quorum*.

Quorum unus

May

Quorum unus May Swear Under Sheriffs, and give them the Oath of Supremacy and the Oath for the true executing of their Office, 27 *Eliz.* 12.

Shall not impanel any Jury before sworn, on pain to forfeit twenty pounds.

They may Administer the like Oath to every Deputy, Clerk of the Sheriff, that hath Authority to return any Jury, and shall meddle in the execution of any Process in any Court of Record, and are Bailiffs of Libertys, but not of such as gather Amerciaments.

Quorum unus May burn Logwood found in any mans Custody, 23 *Eliz.* 9.

May bind to the Sessions such as get Mony or other things by colour of false Tokens, or Letters in other mens Names, 33 *H.8.* 1. Shall be set in the Pillory upon conviction, or suffer any other Corporal punishment, death excepted.

Quorum unus May convene Bailiffs and Head Constables upon complaint of Churchwardens, having Estreats for the Collecting of Fines for the High-ways, and take account, and compell them to pay all arrearages to the Constables and Church-wardens, 3 *Mar.* 8. 5 *Eliz.* 13.

May fine Constables not appearing at the Petty Sessions, 7 *Fac.* 4. *Dalt.* 103. The Fine must be under 40 s.

Quorum unus May grant Precepts to the Sheriff within ten days after Commitment of any sent to Prison for speaking of false News contrary to 3 *Ed.* 4. 34. to return a Jury to require thereof, 2 *Mar.* 3 1 *Eliz.* 6. 33 *Eliz.* 2. Shall forfeit ten pounds.

May punish Retaylors presenting unto them Cloth, wanting either length or weight, contrary to 4 *Fac.* 2.

It shall be divided into three parts one to the Overseers and Searchers, two to the poor.

May punish disorderly and idle Persons refusing to work, 7 *Fac.* 4. 43 *Eliz.* 2. 39 *Eliz.* 4. 4 *H.7.* 12. shall be sent to the house of Correction.

May determine all forfeitures on the Statute of Ex-cise, and to mitigate the same, so it be not less than double the duty 12 *Car.* 2. 24. Upon proof of one witness or confession, shall forfeit to the Brewer five pounds for not entering weekly, and five pounds for not paying what is entred. To be levied by distress, and for want thereof to be imprisoned.

No Purveyance shall be made for the Kings, &c. No preemption shall be allowed in behalf of the King, &c.

12 *Car. 2. cap. 24.* Shall be committed to the Sessions there to be indicted, and besides the party grieved shall have his action for treble damages. The Constable likewise may commit the Offender.

May Administer the Oath of Allegiance and Supremacy to such as shall have any place in the Post-Office, 12 *Car. 2. 35.*

If an Incumbent shall not once in a Month read Common Prayer, or excuse himself to the Ordinary, 13, 14 *Car. 2. cap. 4.* Upon proof of two Witnesses or Confession, shall for every offence forfeit five pounds to be levied by distress.

By-Laws for regulating Stuffs in *Norwich* must be confirmed by them, 13, 14 *Car. 2. cap. 6.*

Shall assign Relief to Soldiers maimed in the last War untill the Quarter Sessions, 14 *Car. 2. 9.*

May allow the Certificate of the Overseers, &c. that a house rated to the duty of Hearth Money is not worth twenty shillings *per annum*, &c. 14 *Car. 2. cap. 10.*

May remove a Person like to be chargeable to a Parish, unless he give security, 14 *Car. 2. cap. 12.*

May cause search to be made for Foreign Bone-lace, and to seize the same, 14 *Car. 2. cap. 13.*

May punish such as shall bribe any Gager, &c. 15 *Car. 2. cap. 11.* Upon proof of two Witnesses, the Gager shall forfeit ten pounds to be levied by distress.

May administer the Oath of Allegiance and Supremacy to Foreigners who shall use any Trade about Hemp and Flax or Tapstry Hangings. 15 *Car. 2. cap. 15.*

Shall certify where any Officer Civil or Military have taken the Oath of Supremacy and Allegiance in the Sessions, 25 *Car. 2. cap. 12.*

Non-conformists Inhabiting in Corporations, &c. 17 *Car. 2. cap. 2.* Upon proof of one witness, shall be committed six Months without Bail, or take the Oath in the Statute.

Three Justices.

May make Certificate for Apprentices that they may dispend forty shillings *per annum*, 5 *Eli. 4.*

May take the Information against such as shall deprave the Sacrament of the Lords Supper, 1 *Ed. 6. 1 Eli. 1.* Upon proof of two witnesses, the Accusers shall be bound over to the next Sessions, and at the

the Sessions may grant a Writ to the Sheriff to present.

May grant Licence to Badgers and Drovers, and such as Transport Corn and Cattle from one Port to another, 2 *Ed.* 6. 14.

This Licence must be granted a new in the Quarter Sessions, 5 *Eli.* 12.

May Bail such as shall speak unreverently of the Sacrament of the Lords Supper, 1 *Ed.* 6. 1.

May consent to a Petition of above twenty Persons to his Majesty, or the Parliament, for the alteration of any thing both in Church or State, 13 *Car.* 2. *cap.* 5.

May execute By-laws for regulating Stuffs in *Norfolk*, 13, 14. *Car.* 2. *cap.* 5.

May punish Persons who in the night Season shall wound Cattle, destroy Trees, or throwing down inclosures, 22, 23 *Car.* 2. *cap.* 7. Upon proof of Witnesses or Jury.

Four Justices.

May assist the Bishop, Lieutenant, or Deputy, in Licensing of confined Recusants to Travel about their employs, 35 *Eli.* 2. 3 *Fac.* 5.

If such Recusants, having business for one week shall have Licence granted them for one Month such Licence is void, as was delivered by Sir *John Walter* Lord Chief Baron in his charge at the Summer Assises at *Exon*, 1628. *Anno* 4 *Car.*

Quorum unus.

May make Taxes for the repair of Bridges, 22 *H.* 8. 5.

May cause Popish Recusants convicted to be disarmed, 3 *Fac.* 5. The Order must be made in the Quarter Sessions.

By the consent (*Quorum unus*) the Sheriff Gaoler, &c. may remove sick Prisoners to other Prisons, &c. 19 *Car.* 2. *cap.* 4.

Six Justices.

Six Justices of the Peace (*Quorum duo*) may for one whole year after the Execution of any new Commission of Sewers execute the Laws of the Commission of Sewers, unless Sewers be published within the year, 13 *Eli.* 9.

CHAP.

C H A P. VIII.

Where a Major or other Magistrate is
impowered by the Statute to act as
a Justice of Peace.

THe next Magistrate may commit till the next Sessions such as shall abuse a Custom Master, 14 *Car. 2. cap. 11.* Customs.

Major, &c. may commit any Person Preaching which is disabled so to do by Statute, 14 *Car. 2. 14.* Preacher.

Major, &c. may bind over Persons meeting, &c. or refusing an Oath in order to Conviction: 13, 14 *Car. 2. c. 1.* Meeters.

Major, &c. may Convict unlicensed Alehouse-keepers Alehouses and levy the Penalties, 3 *Car. 1. cap. 3.*

Chief Magistrate of the Port, &c. may on complaint grant a Warrant to search for uncustomed goods, 12 *Car. 2. cap. 19.* Customs.

Major, &c. may put in Execution Statute, 13 *Car. 1. cap. Sunday.*
1. for breach of Sunday.

The Major, &c. may punish Offenders for Prophane Swearing or Curling, 21 *Fac. 20.*

Major, &c. may execute the Statute against Riding Armed, 2 *Ed. 3. 2.*

Major, &c. may seise and burn Logwood or Blockwood, Dying, 23 *Eli. 9.*

Major, &c. may Assess the prizes of Ale and Beer, 23 *Beer. H. 4.*

Major, &c. may Commit such as they find playing at unlawful Games, 33 *H. 8. 9.*

Major, &c. may punish Offenders touching false Weights, 11 *H. 7. 4.*

Chief Magistrates may punish such as oppose the Collecting of Hearth-money, 16 *Car. 2. cap. 3.* Hearth-Money.

Major &c. may hear and determine matters concerning Servants, Servants and Apprentices, 5. *Eli. 4.*

Major, &c. may enquire of offences against the 1 *El. 2.* Plague.

Major, &c. may tax for relief of Persons visited with the Plague, 1 *Fac. 31.*

Major

Wood.	Major, &c. may inspect and Assess the Assise of Tale wood Billet and Faggot, 43 <i>Eliz.</i> 14.
Orchards.	Major, &c. may punish Offenders against the 43 <i>Eliz.</i> 7. for robbing Orchards.
Arrow-heads.	Major, &c. may enquire of Offences touching Arrow-heads, 7 <i>H.</i> 4. 7.
Artificers.	Major, &c. may enquire of offences of Artificers and Victualers, 2 <i>Ed.</i> 6. 15.
Vessels.	Major, &c. may Assess the prizes of Beer Vessels, 8 <i>Eliz.</i> 9. 23 <i>H.</i> 8. 4.
Vessels.	Major, &c. may search Gauge all Vessels for Salmon, Herring and Eels, 11 <i>H.</i> 7. 23. 22 <i>Ed.</i> 4. 2.
Souldiers.	Major, &c. of the Port, &c. may Arrest Soldiers departing without Licence, 18 <i>H.</i> 6. 19.
Leather.	Major, &c. may hear and determine matters touching Leather, and Examine, &c. 1 <i>James</i> 23.

C H A P. IX.

How Justices of the Peace may defend themselves against Suits.

IF any Action, Bill, Plaint or Suit upon the Case, Trespass, Battery or false imprisonment, shall be brought any where against a Justice of Peace, &c. for any thing done *Virtute Officii*, it shall be lawful for them, or any other that act in their Aid, Assistance, or Commandment to plead the General Issue, and to give the special matter in Evidence, if the Verdict pass for the Defendant or the Plaintiff be Non-suit or Discontinue, the Judge shall allow double Costs.

Which Statute was to continue but for seven years, but it is made perpetual by 21 *Jac.* 12. and it is thereby enacted, that all Actions upon the Statute shall be laid in the proper County where the fact was done, and if upon the Trial the Plaintiff shall not prove the fact done in that County where the Action is laid, the Jury shall find the Defendant not Guilty, and in Case of such Verdict, Non-suit or discontinuance, the Defendant shall have his double Costs.

A Constable may make a Deputy and may plead the General

General Issue, and thereby take benefit of, 7 *Fac.* 5. as was resolved, *M.* 13 *Fac. B.R.* *Philips contra Wincomb, Moors Rep.* p. 145. *Bulstr.* part 3. p. 77.

C H A P. X.

Of Accessorys.

IN High Treason there be no Accessorys, for the Advisers, Counsellors, Perfwaders, and Assistants, as also the Receivers knowing thereof, be all Principals 3 *Ed.* 7. 10. *Stamp.* 40. *Bro. Treason* 19.

Note that the Act which makes a man Accessory in Felony, the same makes him a Principal in High Treason, *Stamp.* 40.

In the highest and lowest offences there be no Accessorys, but all are Principals, as in High Treason, so in the lowest, as Riots, Routs, Forceable Entrys, and other Trespasses, *vi & Armis*.

It seems in Cases of *Premunire* there be no Accessorys, for if the Principal appeal not, or happen to be dead, yet the other shall answer, *Bro. Treason*, 19.

In Petty Treason there may be Principals and Accessorys as there be in Felonys.

There are two sorts of Accessorys in Felony, the one before the Felony committed the other after.

If a Procurer, Mover, or Consensor, &c. be present at the time of the Felony Committed, though he do nothing, he is a Principal *Plow.* 100. *Bro. Coron.* 188. 228. and *Indictment* the 5.

If one being present at the Killing or Robbing of a Man, doth nothing, yet would have assisted his Companion if there had been need, he is is a Principal, *Fitz. Coron.* 309. *Stamp.* 40.

If one be present where a Felony is committed and doth not come in Company with the Felons, or be of their Confederacy, though he conceals it, 'tis no Felony in him, but only a Misprision and Fineable *Fitz. Coron.* 325. *Stamp.* 37. 40. *Crompt.* 44. 4. *H.* 7. 31.

If A. knowing drink to be Poison, and perswade B. to drink

drink it; and afterwards *B.* in the absence of *A.* doth drink it and dye thereof. *A.* is a Principal, though the poison be drank in his absence, *Co. lib. 4. 44.*

If any offence be made Felony by Statute it may have Accessorys both before and after the Fact committed, the Accessorys be not mentioned in the Statute, *Lamb. 279. 280. 19 H. 6. 47. 11 H. 14. 13. Fitz. Coron. 228.*

If *A.* command *B.* to lay hold upon *C.* and *B.* goes and Robs *C.* this is no Felony in *A.* (if he be absent at the time of the Robbery done,) for this command might have been performed without any Robbery, but if the command had been to beat *C.* and *B.* kill him *A.* is Accessory.

If a Command be given to Rob *I. S.* and the Party commanded attempting to rob him, kill him, he that Commanded the Robbery is Accessory to the Murder.

If *A.* Counsel *B.* to kill *C.* by Poyson and he kills him with his Sword, &c. or to kill *C.* by the Highway, and he kills him in his House, or to kill him one day and he kills him another, in all these cases *A.* shall be Accessory to the Murder, *Ibid.*

If *A.* Commands *B.* to kill *I. S.* and afterwards Countermand it, yet *B.* kills *I. S.* in this case *A.* shall not be judged Accessory, *Ibid.*

If *I. S.* Counselleth a Woman to Murder the Child in her body (when shall be born) and after when born the Midwife or other Person in presence of the Mother, and by her command killeth the Child, *I. S.* is Accessory though done in his absence, *Dy. 186. Co. lib. 7. fol. 9.*

Note, that in Manslaughter there can be no Accessory before the fact, for Manslaughter is always upon a sudden Affray, Accessorys to Petty Treason, willful Murder or Robbery or to the Felonious burning of a dwelling house, or Barn with Corn, or Horse-stealing, shall not have the benefit of the Clergy, *4. 5 Ph. Ma. cap. 4. Dy. 183. 186. Co. 11. 35. 1 Ed. 6. cap. 17. 2 Ed. 6. cap. 33. 31 Eliz. c. 12.*

Accessorys after the offence are they who knowing that another hath committed a Felony do Feloniously or voluntarily receive, harbour, or relieve him, &c. whether it be before Attainder or after, *Bro. Inditment. 4.*

To lend a Felon a Horse, to go his way, or otherwise to make his Escape, makes the lender an Accessory, *Fitz. Coron. 427.* but to relieve a Felon in Prison, or to aid him

him by good words, or Sue for his deliverance, or send a Letter for his Enlargment, this maketh not a man Accessory to the Felony, *Bro. Coron. 103.* no more it doth to releive, &c. a Person going under Bail and stand bound to appear for his Tryal, *Lamb. 286.*

To receive a Felon after he hath obtained his Pardon doth not make the receiver an Accessory, *Plowd. 47. b.*

A Fellon is attainted either by Verdict, Confession, or Outlawry.

The receiving, &c. of such a one by any dwelling in the same County maketh him Accessory, though he know nothing of the Felony, for the attainer being matter of Record, every Person within that County is bound to take notice, of it, *Fitz. Coron. 377. Stamp. 960. Dyer. 355.* But if a Felon so attainted be received, &c. in another County this maketh such receiver no Accessory to the Felony, unless he did also know of the Felony, *Fitz. Coron. 375. Stamp. 41.*

A Feme Covert cannot be Accessory to her own husband, but to another she may, *Fitz. Coron. 383. Stamp. 26. and 43.*

A Servant may be Accessory either to his Master or Mistress both before and after the fact, *Stamp. 27.*

If a Master be a Felon and his servant (knowing thereof) continue in his service he becomes his Accessory. So if a servant be a Felon and his Master (knowing it) continue him in his service, he is Accessory to the Felony *1st. M. Cooke.*

If a man be the cause of the escape of a Felon though he be his own Brother, he thereby becomes Accessory, *Stamp. 42.* But if one whom I know to be a Felon escape out of my house without my furtherance, I am no Accessory, *Bro. Esc. 43.*

He that rescues a Person Arrested for Felony is a principal Felon, *1. H. 7. 6.*

The buying or receiving of stolen Goods (knowing the same) doth not make a man Accessory, unless he likewise receive or aide the Felon *2el. p. 4.*

But If a man buy stolen goods for five shillings, that is worth 20 shillings; this makes him an Accessory; for this makes it appear that the seller came not truly by them and I ought to apprehend him.

D

If

If I pursue a Felon and take my goods from him, suffering him to escape, yet I am not an Accessory; *Stamp. 28.* But if I take my goods to favour the Felon, this was anciently Theft-bote *Stamp. f. 40.*

If the party robbed take money, &c. of the Thief to favour him, &c. he becomes Accessory to the Felony of his own goods. Or as some are of opinion is Guilty of Theft-Bote, which is punishable by Ransom and Imprisonment *Lamb. 286. Cramp. 41. Bro. Cor. 112.*

If upon Hue and Cry any Person Arrest the Thief and take the goods from him, letting him go he is an Accessory, *27 Aff. 62.*

In case of an Accessory after the fact, it is requisite that it be Felony at the time he becomes Accessory to it. For if A. wound B. Mortally and C. knowing thereof receive, &c. A. and then let him go before, B. dies, he is no Accessory, *Stamp. 287.*

At Common Law no man could be Accessory, &c. to a Felony in another County, but this is altered by Statute, *2 Ed. 6. cap. 24.*

Where an Offence is made Felony by Statute, although the same do not mention Procurers, Counsellors, Abettors, &c. yet such shall be accounted Accessory within the same, *Stamp. 44.*

A man may be Accessory to an Accessory, if he receive, &c. him knowing thereof, *Bro. Cor. 104.*

The Principal ought first to be attainted because if he be acquitted he can have no Accessory.

If a man upon malice perceive a mad man to kill another, though such person can have no malice, yet the Incitor shall be principal, and the Crime go not unpunished.

If the Principal be attainted erroneously the Accessory notwithstanding shall be put to answer, *Co. 9. 68. b. and 119.*

If the principal die, be found not guilty, that he slew the other in his own defence, have his Clergy, or get his Pardon, the Accessory shall be discharged.

Where it is found that the Principal killed another *Se defendendo* or by misadventure, the Accessory shall be discharged, *Bro. Cor. 13.*

CHAP. XI.

Of Affrays.

AFFRAY is derived from the French word *Affray*, signifying to affright or put in fear, and is no more in Law then a quarrelling or Fighting together and is intended to be a common wrong, and therefore every private Person ought to part the Affray; but not Imprison them, yet he may stay any Person coming in harness to joyn with either party, also any Person may stay the Affrayer, till their heat be over, and deliver them to the Constable, to find Suretys of the Peace, or be Imprisoned, but it seems, he cannot do this unless the Affray be in his own presence; if any one be dangerously hurt in an Affray or otherwise, may Arrest the Offender, and carry him to the Gaol, or before a Justice of the Peace, who may either Commit him, or bind him over until it appear what will become of the party hurt; The Constable being present may bid the partys avoid upon pain of Imprisonment, and endeavor to part them, else he is fineable at the Sessions, but if absent, though he be made acquainted with it, he is not fineable at the Sessions for his neglect. *Quere*, see the Oath of Constables. If Affrayers will not depart but draw weapons, or strike, the Constable may Command Assistance and in doing his Office may justify the hurting of them, he may in the Kings name make Proclamation to keep the Peace.

It is properly no Affray unless there be a weapon drawn, or blow given, or attempt made to that purpose, words are no Affray, and yet the Constable may on Threats to kill, or hurt, carry the Party before a Justice to find Surety.

If an Affray be in an house shut, the Constable may break it open to keep the Peace, and upon fresh pursuit may break open any whereto the Affrayers are fled, so if they fly into any other County they may be Pursued thither. (But no otherwise but as private Persons) and carried to a Justice of the County, if they fly into a

Franchise in fresh pursuit, they may be taken thence; After the Affray the Constable without Warrant cannot Arrest, except some Persons be in Peril of Death, but the Justice may.

A Justice may bind to the Peace such as in his presence strike, threaten, or Contend in hot Words.

If a Person be dangerously hurt in an Affray, any Justice may Commit the Offender within the year and day to remain in Prison till the year and day be expired, or the Offender find Suretys to appear at the next Gaol delivery.

If an Assault be made upon a Justice or Constable, they may defend themselves, & apprehend the offenders, and make them find Suretys for the Peace; The Justice may apprehend them and send them to another Justice to be sent to the Gaol; The Constable may commit to the Stocks, and after carry to the Justice.

CHAP. XII.

Of Ale-houses.

For the use of Ale-houses see the Statute, 1 *Fac. cap. 9.* and for the Reformation of them in number, See 11. *H. 7. Cap. 2. 5.* and 6. *Ed. 6. cap. 2.* these Statutes not working their designed ends, latter Statutes have Provided that no Townsman Handy craftsman, or Laborour, otherwise then is there limited shall continue drinking in a Tavern (which is likewise a Victualling-house) or in Ale-house, Inn, or Victualling-house under the penalty of the forfeiture of ten shillings by such Tavern, &c. to the use of the Poor upon proof of one witness, or Confession of the Offender before a Justice of the Peace or Major &c. or upon his view. 1. *Fac. cap. 9. 21 Fac. cap. 7. 1 Car. cap. 4.*

Note, That the Offenders Voluntary Confession shall convict himself, and his Oath his Companions upon those Statutes of King James. If less then one full Ale-quart of the best Ale and Beer, or of the Small two quarts be sold for one penny, every such keeper of a Tavern, &c. upon proof thereof before a Justice, &c. by one witness, shall

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shall forfeit twenty shillings for every Offence. 1. *Fac. cap. 9.* 1 *Car. cap. 4.* If Information hereof be made upon Oath, the Offender must be convened before convicted.

Every Inhabitant continuing drinking in an Ale-house Contrary, *Primo Fac.* forfeits three shillings four pence by conviction of the Justice, or proof, 4 *Fac. cap. 5.* 2 *Fac. cap. 7.*

The like penalty for Persons not inhabiting and the like proof, 1 *Car. cap. 4.* 21 *Fac. cap. 7.*

These Statutes, do prohibite all quaffing and drinking of healths, such houses, being solely appointed for the accomodation of Travellers, and for the releif of the poor. Every such Taverner, &c. which shall suffer any person whatever to Tiple in his house contrary to the said Statutes shall be adjudged within the Statute, 1 *Fac. cap. 9.* 1 *Car. cap. 4.*

Any Justice or head Officer respectively have power on view, confession, or proof by one witness to convict any person of drinking, and fine him five shillings to be paid to the Church-wardens, or if unable committed to the Stocks, for six hours, 4 *Fac. cap. 5.* 21 *Fac. cap. 7.*

For the second offence shall be bound in ten pounds with two Suretys to the good behaviour, for want of Suretys to be sent to the Gaol.

Constables, Church-wardens, Headboroughs, Tything-men, Ale-coners, Sidemen shall in their Oaths, to the Office be charged to present offences against 1 *Fac. cap. 9.* 14. *Fac. cap. 5.* 21. *Fac. cap. 7.*

None shall be impeached on this Statute unless presented within three Months, after the offence Committed, and shall be but once punished, 4. *Fac. cap. 5.*

The forfeitures hereby shall go to the poor to be levied and what other punishment, &c. See the Stat. *Supra.*

Every person found Tipling in an Ale house, &c. contrary to the Statute, and convented accordingly for insufficiency to pay the forfeiture of three shillings and four pence shall be set in the Stocks, for four hours for every offence by the Warrant of one Justice of the Peace, 1 *Fac. cap. 9.*

Officers neglecting to levy the forfeitures of an Ale-house-keeper, &c. for their measure, or Tipling in their houses,

houses, or for not Certifying the default of distress shall either of them for every such neglect pay forty shillings to the use of the poor, to be levied by distress by Warrant of one Justice; which if not replevied within six days, shall be sold, and for want of distress is to be committed to Prison until he pay. 1 *Fac. cap. 9.*

Officers neglecting to execute Warrants against the offenders in drunkenness shall forfeit ten shillings to be levied as abovesaid, 4. *Fac. cap. 5.*

Common Inholders, or Alehouse-keepers refusing to lodge a Traveller may be compelled thereunto by a Justice or Constable 5. *Ed. 4. 3.* but he is not Compellable hereunto unless the Traveller shall first pay him for such Victuals, or Lodging, and if the money be tendered, remedy against the Inn-keepers is either by Indictment, or action upon the case.

None can keep an Alehouse without the Licence of two Justices of the Peace at least, whereof one of them being of the *Quorum*, and they must take Recognisance against unlawful Games, and for keeping of Good order. Therefore if two Justices allow more then are needful, such as are suppressed they must be punished for so doing; such Recognisance, but twelve pence which the Justice shall certify to the next Quarter Sessions on pain of five Marks. Two such Justices may suppress any Alehouse whatsoever at their discretion.

The Justices of the Peace have power in the Sessions to hear and determine the breach of such Recognisance, and Alehouses, thus discharged shall not be allowed again but in open Sessions, *Per Warburton.*

Two Justices one being of the *Quorum* may commit for three days without Bail, such as sell Ale or Beer without allowance and before deliverance they shall give Recognisance with two Suretys not to keep an Alehouse which being certified to the next Quarter Sessions shall be a conviction without further Tryal, and thereupon a fine of twenty shillings shall be Assessed.

There is no Licence requisite for any that sell Beer or Ale in any place where forces are kept, 5. 6. *Ed. 4. cap. 25.*

Every person keeping an Ale-house not licensed shall forfeit twenty shillings to the poor of the Parishes the same being viewed by any one Justice, Mayor, &c. or proved by two Witnesses, 3. *Car. cap. 3.* such Justices or Officers

Officers may make Warrant to the Constable, &c. to levy the said twenty shillings by distress, which after three days shall be appraised and sold, *Ibid.* if no sufficient distress be, two Justices, &c. may commit the offender to the Constable to be whipped, and the said Justices may commit the Constable without bail for his neglect herein, until he punish the offender, or pay forty six shillings to the use of the Poor *H.*

2. Unlicensed Alehouse-keepers for their second offence shall be Committed to the house of Correction, during one Month.

3. And for every offence after to the house of Correction until he be delivered by the quarter Sessions, *Ibid.* but he shall not be twice punished for the same Offence.

The Husband is punishable where the Wife keepeth an Alehouse without License, and it seems the wife also. But the Statute allows Common Victualling in Fairs without License, 3. *Car. cap. 4.*

Brewers delivering Ale, &c. to any unlicensed Alehouse-keeper shall forfeit, six shillings and eight pence

4 *Fac. cap. 4.*

The same Law is for an Alehouse unlicensed which shall break the Assise or keep ill orders, as for Persons, licensed, as also for persons Tipling in such a house as in the other:

Two Justices may license Laborours, to remain in an Inn, 1 *Far. cap. 9.* Inn-keepers, may be dealt with as Alehouse-keepers, either with or without Licence, or may be indicted at the Sessions, *See the Commission.*

An Innholder letting his Beer to his Tapster for fourteen shillings per Barrel, he himself paying but eight shillings is indictable.

Inns erected since 5. *Ed. 6. cap. 25,* ought to be Licensed, but Inn-keepers must enter into Recognisances as Alehouse-Keepers, ought to do, but it seems of Ancient Inns before that time it was otherwise.

It was the opinion of Sir. *James Ley* at Lent Assises. 1621. That Inns were Hostleries at the common Law, and that every man of good fame, and honest conversation might erect and keep them provided they be in convenient places, and also if such Inns, or Hostleries be used *ad motum populi Dom. Regis Sc.* do keep disorderly houses, or that they be more in number then is needful, or to the hinderance of more Antient Inns, they may be

D 4

Indicted

indicted at the Assises or Sessions, and there fined and Suppressed, and this he said was the opinion of all the Judges; the same Law seems to be for Taverners, and Alehouses where they are too numerous and this was Complained of by King James in *Star Chamber*.

The keeping of an Alehouse, Tavern, by any Sergeant, Bayliff or other Minister is mischeivous and to be suppressed, and this is usually practised in the Kings Bench, *vid. the Stat. 22, 23. Car. 2.* Against carrying Persons, arrested into Alehouses or Taverns to their charge.

That no Victualler ought to sell Victuals, so long as he is in his office, Alehouse-keepers in several cases are disabled for three years from keeping of a Victualling house by the above mentioned Statutes of Kings James, which you may see at large.

CHAP. XIII.

Of Armour.

Persons with offensive Weapons in Fairs, Markets, or elsewhere in Affray of the Kings People may be arrested by the Sheriff, or other the Kings Officers, and every Justice upon view or Complaint thereof may cause them to be stayed and bound to the peace or good behaviour, or else seize their armour, which every Constable may do, and cause them to be appraised and answered to the King; so of those that carry Guns Charged. 3. *Ed. 3. cap. 3, 7 R. 2. cap. 13. 20. H. 2 cap. 1.* And yet the Kings Servant, in his presence; Sheriffs, and other Officers in executing their Offices, and all other persons in pursuing Huy and Cry may lawfully bear Arms.

Any Justice of peace may Command weapons to be taken from such Prisoners as are brought before them.

Any Justice of Peace may imprison all Servants in husbandry, Artificers, Victuallers, or Labourers which shall wear any Sword or Dagger, Buckler, (except they be travelling with their Masters, or being upon their message)

(page) until they find Suretys of the Peace and take away their weapons, as forfeited, and present them at the next Session, 12 R. 2 cap. 2. *Quære* if this be not repealed by the 21. Jac. cap. 28, and yet the Justice of Peace may do it by the first *assignavimus* in his Commission, especially if he Suspect any breach of the peace to be intended.

C H A P. XIV.

Of Arrest and Imprisonment.

Arrrest and imprisonment are much the same, and signify no more then the restraining of a Subject of his liberty against his will. If a Constable, &c. have a Warrant from a Justice, to bring any person before him, he ought first to require the party to go before the Justice, and if he refuse Arrest him; for such requiring is no Arrest or Imprisonment.

If a Bayliff, &c. say to a man I Arrest you, this is a good Arrest, and if the party go away it is a rescue. 8 Car. B. R. *Sir. James Wincks* case, but after this he must arrest him if he may, for the words of the Writ are *Capias Attachias*, &c. which implys as much.

All sorts of Persons may be Arrested under the degree of a Peer of the Realm; and that by Warrant from of the Justice Peace.

A Feme covert may be Committed; for a force or Riot by a Justices Warrant, otherwise of Infants in such case, yet for not finding Suretys for the Peace being demanded may be committed.

For breach of a Statute Law.

This liberty of every subject is specially favoured by the common Law, inso much that if an Officer (whose actions are favourably to be interpreted) shall unduly imprison any person by an usurped Jurisdiction, it is greivously punishable, *Mag. Char. cap. 29. 5. Ed. 3. cap 9, and the Petition of Right.*

None can be Arrested but by Process upon an Indictment, upon an Original Writ at Common Law, or by matter

matter of Record, and the Process must be out of a Court of Record.

Therefore Commissions to Arrest men were held to be against Law.

No man can be committed to Prison, unless it be by a Judge of Record.

For misdemeanors, against the Kings Peace as Treason, &c. an Offender may be Arrested by any Person by a Warrant in Law, so that there be just cause or lawful Suspicion.

Any man who knoweth of a Robbery may Arrest a Person by him suspected and carry him to the Constable, if he be to be found or else imprison him in the Stocks, or if there be none, carry him to the next Constable, or else to the next Justice to be Examined, &c.

If a Robbery, &c. be known to be Committed any one may Arrest a Person of ill fame, and if he resist may Justifie beating of him.

Where a Person suspected of an intended Felony may be therefore Arrested, See 9 Ed. 4. f. 26. 20 Ed. 4. 6. Finch. 127.

Hue and Cry after. J. S. or any other Person Suspected of Felony is sufficient cause to Arrest him though no Felony be Committed. Bro. Fals. Imp. 25.

If a Felony is done, to be in Company of the Offenders is cause to Arrest a Person: so is the living idly and as a Vagrant Bro. Fals. Imp. 22.

If Hue and Cry be levied after a stolen Horse, &c. and J. S. be taken driving him, he may be imprisoned for it though a man of good fame. If a man be dangerously hurt in an Affray any man may Arrest the Offender.

Park-keepers and their Servants may lawfully Arrest such as hunt in their Parks or cause them to depart, Lib. Int. Tit. Fals. Imp. Dier. 12.

If a Person keep or use a Gun contrary to the Statute any man may Arrest him and bring him to a Justice.

Watchmen may Arrest Night-Walkers and if they suspect them justify the detaining them till the Morning. See the Statute of Winchester.

Justice of Peace and Sheriffs, &c. ought not to commit or imprison any Person but in the County Gaol, 5 H. 4. 23 H. 8. cap. 2. A Constable regularly ought to imprison in the Stocks.

A Con-

A Constable by a Warrant from a Justice Arrests a Person which Escapes into another County, he may Arrest him there upon fresh pursuit and bring him before the Justice, *Crompt.* 122, 123.

A Person taken in execution Escapes into another County, yet the Sheriff, &c. upon fresh pursuit, may take him there, and he shall be still in execution.

The Constable carries a man Arrested for Felony unto the Gaol, and the Gaoler refuseth him, he may be brought back to the Town, where he was taken, and they shall be charged to keep him 'till the next Gaol delivery. Or the Constable may keep him in his own house, *10 H. 4. cap. 7. 1 E. 4 Bro. Fals. Imp. 25. f. Escape, 8.*

When a Statute appoints Imprisonment, but limits no time how long, &c. or when to be committed, the Party must be sent to Gaol presently, and continue there so long as the Court shall award, *Co. 8. 119. Plow. 176. Crompt. 171.*

No Persons at Common Law could have Irons put upon them, but see now the Statute of *Westminster. 2 cap. 11. quod Carceri mancipentur in ferris.* And *7 Jac. 4.* all Rogues, &c. sent to the house of Correction, may be punished by putting Fetters or Gins upon them.

CHAP. XV.

Of Bailment and Mainprise.

Bailment, Mainprise or Replevin, is the saving or the delivery of a Person out of Prison that hath satisfied the Law. *Sc.* by finding Sureties, and to answer and be justified by the Law, *22 H. 6. Bro. Surety. 8. & Mainprise, 89.*

If Mainperners doubt that their Prisoner will fly, may bring him before a Justice, who shall commit him and discharge them, so it seems of a Person Bailed.

For want of taking sufficient Bail, the Justices are fineable, if it can be tendred and refused, they shall be greivously amerced in case when it is grantable, *3 Ed. 1. cap. 15. 23 H. 6. cap. 10.* On the other side where a Person is not Bailable, if he be let to Mainprise, it is a negligent

negligent Escape, and Fineable as before, 25 *Ed.* 3. f. 39. and see *Stamp.* 33 & 79.

If any Sheriff, Constable, &c. shall Bail any Person in their Custody not Bailable, and being Convict thereof, he loses his Fees and Office for ever, but if an Under-Sheriff, &c. shall do so without his Masters knowledge he shall be imprisoned for three years, and fined at the Kings pleasure, 3 *Ed.* 1 cap. 15. *Doct. & Student.* 135.

Note, Officers which let to Bail contrary to the 3 *Ed.* cap. 15. shall be punished by the Justice of Gaol delivery either according to the Statute, or at Common Law.

Justices and Coroners within *London* and *Middlesex*, and Towns Corporate, have power to Bail Felons, &c. as they have formerly accustomed, 1, 2 *Ph. Ma.* cap. 13. Co. 100.

The Authority of Justices Bailing.

It is held by the Authority of the 27 *H.* 6. f. 1. that if a Sheriff, &c. shall Bail a Person not Bailable the the Recognisance is void.

No person Arrested for Manslaughter, Felony or suspicion thereof, shall be let to Bail by any Justice but in open Sessions, or by two of them at the least *Quorum unus*, and both must be present at the time of Bailment, 1, 5 *Ph. M.* cap. 15.

The Justice which commits a Prisoner, ought to shew in the *Mittimus* the cause thereof, that it may appear, whether Bailable or not.

What Persons Bailable at the Common Law.

In the four cases following a Person is not Bailable at Common Law, See *Westm.* 1. cap. 15. *Bro. Mainp.* 47. *N.B.* 66 E.

1. A person taken for the death of a Man, *sc.* Murderer, or any other Homicide, See now *Stat.* 1, 2 *Ph. M.* cap. 15. which admits Bail for any Homicide except Murder.

But the Justices cannot Bail a Man-slayer if he confesses the offence to be taken in the manner.

2. No Person taken by the Kings Commandment is Bailable, but this is when a Person upon his meer motion, is imprisoned, *Stamp.* 72. *Bro. Mainprise* 37.47.

3. Persons taken by the Commandment of the Kings Justices, and this must be meant of their absolute Commandment for Misdemeanours in their presence, *Stamp.*

73.

4. Trespasses

4. Trespassers in the Forrest that was remedied by, 1 *Ed. 3. cap. 8.* and 7 *R. 1. cap. 4.* And now by the Statute of 1, 2 *Pb. Ma. cap. 15.* It is provided that no Justice of the Peace, shall let to Bail contrary to the Statute of *Westmin. 1. cap. 15.* by which Statute these Persons following are not Bailable.

1. One that hath abjured the Realm. (2) An Approver. (3) One appealed by the Approvers, so long as the Approver lives, unless he be of good Fame, or that the Approver wave his Appeal or be vanquished. *Stamp. 74. 25 Ed. 3. f. 42.* (4) He that is taken for the burning of an house. (5) One taken by an *Excommunicato Capiendo.* (6) One taken with the Mannor. (7) A Theif openly defamed and known. (8) All Persons Outlawed, unless in some cases such may be Bailed by the Court, *Stamp. 74.* (9) One that hath broke Prison. (10) Imprisoned for Treason touching the King himself. (11) One taken for falsifying the Kings Moneys. (12) He which Counterfeits the Kings Seal, *Bro. Mainprise, 59.* (13) Such as are taken for a great and manifest offence as one Indicted and imprisoned for a Riot, &c.

By the aforesaid Statute, Persons are Bailable in the six ensuing cases. (1) One taken or Indicted for a light suspicion of Felony, *Lamb. 335. F.N.B. 249. q. 250. 25 1. f.* unless he be of evil Fame, or that there be some strong presumption against him, *Stamp. 74.* (2) Taken or Indicted for Petty Larceny, if not guilty of some Larceny before, *Fitz. Mainprise, 2. Fitz. 250.* (3) Such as be Indicted for Larceny before Sheriff, Coroner, &c. or in some base Court, *Fitz. Mainprise. 2.* If likewise of good Fame, *Stamp. 47 Fitz. 247. and 250. Bro. Mainprise, 97.*

One Indicted before the Coroner for killing a man *se defendendo* was Bailed by the Justices of Gaol delivery. A Murderer Indicted at the Kings Suit and acquitted within the year and day shall be either Committed to Prison or Bailed until the year and day be passed, that the wife or next Heir may bring their Appeal within that time, 3. *H. 7. cap. 1. & Fitz. 251. G.*

A Convict of Felony, and remaining in Prison, obtains the Kings Pardon, the Justices of the Gaol delivery may Bail him if he may come in with his Pardon at the next Gaol delivery; *Bro. Mainprise. 94.* (4) Such as are charged with the receipt of Theives, Felons, or of Command,

or

or force or aid in Felony done, be Bailable, *Stamp. 71. Bro. Mainprife. 11 E 39. 58.*

It seems that Abbettors, Consentors, Procurers, and all Accessorys to Felony Bailable, are within the Equity of this Statute, as well in the case of Murder as otherwise, But after the Principal is attainted they cannot be Bailed, until after they have come in and Pleaded, for when he makes default it is in nature of a *Fugam Fecit* and a great cause of Suspicion, which when he appears is taken away and so he becomes Bailable. *Stamp. 71. Bro. Mainp. 6. 9. 22. 54. 64. 77.*

If I. be Accessory to two and but one Principal in Attaint I. shall not be Bailed.

If the Principal in Felony die in Prison or be Attainted of another Felony the Accessory is Bailable. *Fin. Canon. 678. Bro. Mainp. 91. (5) Persons Indicted of any trespass not concerning Life or Member are Bailable.*

A Person imprisoned by a Process from the Sessions is Bailable by two Justices (1 *Quorum*) out of Sessions, *Lamb. 337.*

Justices of Peace can Bail no Prisoner but such as is Committed for causes which may be heard and determined before themselves.

Ale-houses without License shall be Committed without Bail; so if they have been Suppressed, *Vid. Tin. Ale-houses.*

Such as shall suffer Townsmen to continue Tipling in their houses or such as shall sell ale then is appointed by the Stat. 1 *Jac. cap. 9.*

Persons Convict upon the Statute of *Northampton*, Such as shall procure another to be Arrested in the name of a third person not knowing thereof, 8 *Eliz. cap. 2.*

Petty Jury attaint of receiving Monys, *Ec. 12 H. 7. cap. 22.*

Mother or reputed Father of a Bastard child not performing the Justice's order after notice, *See, Tin. Bastard.*

Surveyours, &c. for repairing of Bridges, if they refuse to account, 21. *H. 8. cap. 9.*

Persons conspiring to Indict another of Felony, *Fin. Mainp. 7.*

Constable, &c. not levying the forfeitures for abuse in an Ale-house, *Ec. 1 Jac. cap. 9.*

Constable

Where Bail is taken away by Statute.

Constables neglecting to execute the Justices Warrant concerning Ale-houses, &c. 3 *Car.* Constables neglecting to whipp Trespassers in Corn, Wood or Orchard, &c. 23. *H. 6. cap. 10.*

Refusers to be Overseers of Cloth, *Vid. Tit. Cloth.*

Such as are Convicted of making deceitful Cloth. *Ibid.*

Persons Convicted for unlawful Hunting of Deer, &c. 5 *Eliz. cap. 21.*

Diers using Loggwood and thereof Convict. 39 *Eliz. cap. 11.*

Destroyers of Ponds, Pools, &c. where Fish are kept, or unlawful Fishers in the same. Gagers, Packers, Searchers of Fish, 11 *H. 7 cap. 23.*

Forestallers, Regraters, Ingrossers, 5. *Ed. 6 cap. 14.*

Forgers of any Deed, the Assenters thereunto, and publisher thereof, knowing the same, 5. *Eliz. cap. 14.*

In fraudulent Conveyances the party's thereunto, the Justifiers thereof and such as put the same in ure or Assign over such Lands, &c. knowing the same, 13. *Eliz. cap. 5. 1. 14. Eliz. cap. 11. 27. Eliz. cap. 4.*

Unlawful Games, the maintainers of houses for such; The Players in the same or else where, 33. *H. 8 cap. 5. See Tit. Games,* such as shoot in, keep, carry, or use any Guns, &c. 33 *H. 8. cap. 6.*

All Persons which shall shoot at any Hare with a Gun, &c. or trace, in the Snow, or destroyeth Hares with any Engin.

Hatters which shall take above two Apprentices, or for less then 7 years. 8 *Eliz. cap. 11.*

Takers of Hawkes, or their Eggs out of another mans Grounds. 5 *Eliz. cap. 21.*

Hawkers between the first of July and the 31 of August. 7. *Fac. cap. 11.*

Bayliffs and high Constables not paying the forfeitures concerning High ways collected by them, 2 *Pb. Ma. cap. 8.*

Hostlers, or Inn-keepers which shall make any horse bread or not sell the same, &c. for reasonable gain contrary to the Statute 21 *Fac. cap. 21.*

Hunters

Hunters, &c. for any Deer or Coneys contrary to the Statute, 5 *Eliz. cap. 25.* 3 *Fac. 17.* 7 *Fac. cap. 13.*

Laborours and Artificers departing from their work before it be finished. 5 *Eliz. cap. 4.*

Servants departing before their term be ended without leave of a Justice, or at the end of the term, without a quarters Warning.

Persons compellable to serve, refusing so to do, for wages rated by the Justice, or which have promised to serve and not perform.

Persons refusing to be bound Apprentice according to the Statute *Ibid.*

Single women between the years of twelve, and under forty years which shall refuse to go to Service, *Ibid.*

Such Masters as shall give a Servant, or Labourer, which shall take wages, &c. contrary to the rates Assessed by Proclamation *Ibid.*

Masters hiring Servants for less then one year, or which have departed out of Service without testimonial, *Ibid.*

Masters taking Apprentices contrary to this Statute, *Ibid.*

The Defendant in Appeal of Maime where the Fact seems to be heinous. 6. *H. 7. f. 1.*

Persons disobeying the restraint of Malting, 30 *Eliz. cap. 16.*

Refusers to take the Oath of Allegiance lawfully tendered *Vid. Tit. Oath, and Recognisance.*

Such Persons as shall shoot at, or kill, &c. with any Gun, or Bow, any Partridges, &c. or with setting Doggs or Engins, or shall destroy their Nest or Eggs, or keeping any setting Doggs or Net, &c. except they have an Estate, &c. 1 *Fac. cap. 27.*

Persons Convict on the 11. *H. 8.* for taking the Eggs of any Swan out of the Nest.

Persons perjured in depositions in a Court of Record, or in a Court Baron; so are the Procurors, 14 *Eliz. cap. 11.*

Persons Committed by the President of the Colledge of Physicians. 1. *Ma. cap. 9.*

Refusers to pay rates for the relief of Persons infested with the Plague, *Vid. Plague.*

Refusers to pay their rates to the Poor, setting them on work or binding out of Apprentices, 43. *Eliz. cap. 2. Vid. Poor.* Over-

Overseers refusing to make their Accounts, or to pay Arrearages, or be negligent in their office, *Ibid.*

The Grand-father or Grand-mother, Parents, Children refusing to releive one another. *Ibid.*

Refusers to pay the rates to the relief of Prisoners in the Kings-Bench or Marthalsey. *Ibid.*

Such as offend against the Statute. 1 *Eliz. cap. 2.* for Uniformity of Common Prayer, &c.

Disturbers of Preachers, &c. their aiders and Procurers, any that rescues such offenders or hinders the Arresting of them. 1 *Ma cap. 3.*

Such as divulge vain Prophecies to make disturbance. 5 *Eliz. cap. 5.*

Persons suspected to be Jesuits, Seminaries and refusing to answer. 35 *Eliz. cap. 2.* 2 *Fac. cap. 4.*

Woman Recusant Convict and not conforming her self, *vid. Tir.* Recusants.

Feme Covert refusing at the Assises or Quarter Sessions to take the Oath of Allegiance. 7 *Fac. cap. 4.*

A master of a Ship Permitting any Child to pass over the Sea, without License. 1 *Fac. cap. 4.*

Recusants refusing to declare what armor, &c. or to deliver the same. 3 *Fac. cap. 5.*

Recusants, &c. which impugne the Kings authority Ecclesiastical, or perswading others thereto, or meet at Conventicles, or perswade others so to do, 35 *Eliz. cap. 5.*

Persons absenting from Church and having nothing to be distrained. 3 *Fac. cap. 4.* 23. *Eliz. cap. 1.*

Person convict of Rediffelin *Morton cap. 3.*

Schoolmasters not allowed by the Ordinary, and Persons keeping of a Schoolmaster absenting from Church. 23 *Eliz. cap.*

Sheriffs not Electing Knights of Parliament in full County between the hours of Eight and Eleven in the fore-noon, 8 *H. 6. cap. 11.* 23 *H. 6. cap. 15.*

Sheriffs making Return contrary to the said Statute, *Ibid.*

Sheriffs, &c. making any Warrant for Arresting, &c. of any Person to appear in any Court not having the Original Writ or Process, 43 *Eliz. cap. 6.*

Soldiers purloining their Horses or Harness, 2 *Ed. 6. cap. 2.*

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Refusers

Refusers to pay their Rates to the Stock of the Shire, and having nothing to be distrained, 43 *Eliz. cap. 2.*

Defendant in Suit for Tythe, which disobey the Sentence, 27 *H. 8. cap. 32 H. 8. cap. 7.*

Such as Counterfeit the Marks of Vessels of Wax or Honey, 23 *Eliz. cap. 8.*

Conjurors, &c. which shall undertake to discover any Treasure lost or stolen, which provoke any Person to love, or shall hurt any Cattle or Ground, 1 *Jac. cap. 24.*

4 *Ph. Ma. cap. 8.*

Such as shall take Women unmarried and under the age of sixteen years out of the Possession of their Parents and against their Will; that shall deflower such Maiden, or Contract Marriage with her against her Will, now such Marriage is made Felony without benefit of Clergy, at Common Law, &c.

At Common Law, the Sheriff and Constables, as Conservators of the Peace, might have Bailed one suspected Felony, this Power is taken away and given to the Justice by the Statute following. Every Justice might Bail such Persons at his discretion, by the Statute, 1 *R. 3. cap. 3.* which for the abuse of it was altered by the 3 *H. 3. cap. 3.* and thereby two Justices, one being of the *Quorum*, were enabled to Bail Persons Mainpernable to the next Sessions or Gaol delivery, afterwards by the Statute, 1 & 2 *Ph. Ma. cap. 3.* it was provided that it be for Manslaughter or Felony, or suspicion of either, the two Justices must be present together, at the time of Bailment, which they must certify to the next Gaol delivery, if they do not, to be fined there, but Criminals for Offences under Felony, one single Justice may Bail.

CHAP. XVI.

Of Barretors.

B Arretor cometh from the French (*Barrat id est, astutia*) and in Law signifies a common Wrangler whom every Justice may bind to the Peace or good behavior, 9 *Ed. 4. cap. 5.* he is a common stirrer up of Suits in Court or quarrels in the Country, *Co. Lit. 268.*

As if in any Court Persons by Fraud or Malice maintain or stir up multiplicity of feigned Suits or Informations, or maliciously purchase a special *Supplicavit* to get a Composition.

As for the Purpose in the County, which is of three sorts. (1.) By quarrelling or fighting in their own Cause. (2.) Takers or obtainers by force or subtlety of Lands or Goods in question. (3.) Inventors or Reportors of false reports, a Feme Covert can not be guilty of Barretry, *Rolls 2 Rep. 39.*

1. Any Offenders herein are punishable, by fine and imprisonment, and may be bound to good behaviour.

2. An Indictment was *Communis Barrektor*, where it should have been *Barrektor*, and quashed for that, 20 *Fac. Alports case.*

3. Although this be an Offence of a complicate nature, yet a place must be assigned for the necessity of Tryal, *Roll. 1 Rep. 95.*

4. This offence being mixt, the Justices cannot punish it by virtue of their Commission general, but in respect of the clause therein to punish Felonys, &c. and therefore upon a *Certiorari* such Indictment being certified *Capta coram, &c. Just. dom. Regis ad pacem*, but *nec non ad diversa, &c.* being left out, for that cause the *Certiorari* was quashed, *Rolls, 2 Rep. 151.*

5. Suing in anothers name, is a sort of Barretry, and therefore by the 8. *Elix cap. 2.* he that procureth another

to be Arrested at the suit, or in the name of another, where no such Person is known, or without his consent, on Conviction by two Witnesses, shall be imprisoned for six Months, without Bail, and pay treble Costs and Damages to the Party.

C H A P. XVII.

Bastardy.

Bastard is a French word *i. e.* *Nonus* and in legal Latine *Bastardus id est triplex manser incestuose natus.* (2) *Nonus ex patre nobili & matre ignobili; id est Concubinus* (3) *Spurius, id est ex matre nobili & patre ignobili,* Such one is called *terre filius.*

*Cui pater est populus, pater est sibi nullus & omnis,
Cui pater est populus, non habet ille patrem.*

Much more may be thus said of Foundlings, where neither of their Parents is known.

Any Justice may bind to the good behaviour, any Person charged or suspected to have begotten a Bastard Child, that so he may be forth comming when the child is born, the like may be done afterwards, and before such order taken.

If the putative Father run away, any Justice may bind to the good behaviour, and to the next Assises or Quarter Sessions. Such Persons, as shall have any hand in such practises about it, & at the general Sessions, they may be ordered to contribute towards the maintenance of the Bastard. The like may be done to the Constable who shall neglect to apprehend the putative Father, by virtue of a Warrant from a Justice of the Peace, or they may be fined for it; The like Law for such as convey away the Mother, whereby the Child is become chargeable to the Parish.

Two Justices (*1 Quorum*) next to the Parish where the Bastard is born upon examination of the cause, shall take order for keeping the Child, by charging the Mother

ther or reputed Father with a weekly payment, or other releif, And also for the punishment of them both, 2 *Fac cap.* 28. 3 *Car cap.* 3. but such child must be likely to be chargeable to the Parish, *See Stat.* 18 *Eli.* *cap.* 3, & 7 *Fac. cap.* 4. From such order the party may Appeal to the next Sessions whose determination is final, if they make any, but if none be made, *Walter* Chief Baron resolved that no other Sessions could relieve him.

It seems the Mother must be examined upon Oath, and by the *Statute* 7 *Fac.* she shall be Committed to the house of Correction, but not until she be delivered, and the Child being alive. If the Mother or reputed Father upon notice do not perform the Order, they shall be Committed without Bail and *Mainprise*, except they put in Surety to obey the Order, or also personally to appear at the next Sessions and abide the Order thereof, 18 *Eli.* *cap.* 3.

A Woman offending the second time shall be sent to the house of Correction and also find Sureties for the good behaviour, but she must be Committed by two Justices, 18 *Eli.* *cap.* 3. 7 *Fac. cap.* 4, and the Child remain in the Town where it was born.

Where the Mothers or reputed Fathers leave their Children upon the Parish, the Churchwardens by Warrant of two Justices may take their goods, and profits of their Lands, and by Order of Sessions, sell the same and take the accruing Rent, for and towards the maintenance of the Child.

CHAP. XVIII.

Bankrupt.

IF any Bankrupt be found upon Examination, to have fraudulently conveyed his Lands, Goods, Fees, or any Estate to the value of twenty pounds, thereby to delay his Creditors, and hinder the Execution of the Statute, and will not make discovery, and if it be in his Power, deliver a Particular thereof to the Commissioners, or

shew them some casual cause, whereby he is disabled to pay his Debts, for this he may be Indicted at the Sessions of the County, where he became a Bankrupt, and there upon Conviction, to be set in the Pillory for two hours, and to have one of his Ears nailed thereto and cut off, 21 Jac. 19.

CHAP. XIX.

Brewers, and Bakers.

A Baker not observing the Assise of Bread, shall be set in the Pillory. 31 H. 1. cap. 7.

Brewers breaking the Assise for the first and second offence, shall be amerced, for the third shall be set in the Pillory, *Ibid.*

No Brewer shall be a Cooper, 23 H. 8. cap. 4. But the Justices have nothing to do, for the suing the Penalties upon the Statute, yet Mayors and Justices may Assise the prizes for the Ale and Beer. A Brewer Brewing Beer with corrupt Hops, or mixt with Powder, Dust, or other Soil, forfeits the value of the Hops, 1 Jac. cap. 18.

CHAP. XX.

Bridges.

VHere a Bridge is decayed, and it cannot be known, what Lands are chargeable towards its Reparation, four Justices whereof one of them being of the *Quorum* within that Shire if out of City or Town Corporate, if within four Justices thereof, may call before them the Constable or two of the Inhabitants, and thereupon Tax every Inhabitant for a reasonable sum for repairing the Bridge and High-way adjoining for the

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the space of three hundred foot, 22 H. 3. cap. 5. after this, they shall cause the Names of each Person, so taxed to be written in a Roll indented.

And also make two Collectors of every Hundred, who taking the Names off of the Rolls, shall Collect and distrain the Refusers; they shall likewise appoint two Surveyors from time to time to see Reparations done, and to these the Collectors shall pay their Money.

The Collectors, and Surveyors, shall make a true Account to the Justices, who upon refusal thereof shall issue their Process against them, Returnable at the next Sessions: The Justices are to allow them their Costs and Charges.

If a Bridge be wholly in a Corporation, the Shire at large shall not be charged, but if wholly without, the Corporation shall not be charged, if part be within and part without, every of them shall be charged to its own Part.

Lands adjoyning to a Bridge, are not liable *de jure* to the Reparations of it, but the whole Country are.

Where Lands are chargeable with Reparations, the Occupiers are liable *pro rata*.

Whoever is chargeable to the Repairs of Bridges may have his Stones, and Timber, &c. upon the Lands adjoyning, 43 Aff. 3. Fitz. 4. Aff. 353. and he must Repair the way at each end thereof, Crompton, 186. b.

Defects of Repairs of Bridges, shall be presented in the County only, 22 Car. cap. 2.

Lands given to the Repair of Bridges, shall be let to be best improved Rent without Fine, and on default of the Trustees, the Justices may inquire of the value, and improve and imploy such Lands, *Ibid.*

CHAP. XXI.

Burglary.

THe word comes from the *French* word *Bargh* a Farm-house and *Laron* a Thief and signifies no more then the Robbing of a house. But in our Law it is taken to be where a Person in the Night enters a dwelling house, Church or Walls of a City Feloniously, although he do not Commit the same, *Dy. 99. Stam. 30. Fitz. Com. 185. 264.*

It must be committed in the Night, for the Indictment runs *quod noctanter fregit*, which is between Sun setting and Sun rising, the Indictment goes further *quod fregit & intravit*, and yet if the Thief put back the leaf of a Window, draw the Latch of the door, turn the Key, or break the Glass windows and draw out any goods thence, it is an entry in Law.

If upon an attempt of Burglary, they within cast out their Money and the Attempters take it, it is Burglary, so likewise it is to come into the house by the help of a key.

If a Thief pretending he is Robbed, take a Constable to search for the Felon in the night time, and whilst he is doing, Rob the house it is Burglary.

So if a Servant open the door or window in the Night to the Thief, at which he entrench in, this is Burglary in him that so entrench.

If a Thief in the night time, findeth the door open and robs the house, and being set breaks a door to escape, it is Burglary, *Ba. 65.*

But if one come to my house in the day time, and there hideth himself until Night, and then Robbeth me it is no Burglary.

If divers come in the Night time to break my house and but one of them enters, the rest watching in the mean while it is Burglary in them all, *11 H. 4. 3.*

It was resolved by all the Judges, *Term. Pasch. 39. El. That*

That the breaking of a house in the night time, with an intent to commit Felony, is Burglary although no Person be in the same, for a man ought to be in safety in the night time as well for his goods as his Person.

If a Person and his family be out of his house part of the night, or have two dwelling houses, and he in his other house at which time his house is broken up this is Burglary, *Co. 4. fo. 40.*

If a Chamber in an Inns of Court, a Colledge, or Inns of Chancery be broken open in the night, no Person being therein, yet if it be inhabited at the same time it is Burglary, *Crom. 35.*

If a Host break open his Guests Chamber in the night to robb him, it is Burglary.

The breaking in the night of a Stable, Barn or Out-house, parcel of a dwelling house with an intent to Steal, &c. is Burglary, *Co. Lit. 11. fo. 37. Bro. Crom. 180.*

If the intent be to rob or kill a Person in the night the breaking of the house is Burglary though it be not put in Execution, otherwise it is if the intent be but only to commit trespass.

CHAP. XXII.

Burials.

NO Person shall be buried in any thing made or mixt with Silk, Haire, Gold, Silver or in any thing not made of Wollen neither shall the Coffin be lined with any other matter upon pain to forfeit five pounds to the poor, to be levied by the Churchwardens, by Warrant from any Justice, or Head Officer, by distress and sale of the goods of the deceased, or in default of the goods, of any having a hand in putting the party thereinto, 18 *Car. 2 cap. 4.* See the last Act made 30 *Car. 2. cap. 3.* whereby one full moiety of the Penalty is given to the Informer.

CHAP.

CHAP. XXIII.

Butchers.

Butchers that sell Swines flesh Meased, or flesh that dies of the Murren, shall be fined, and for the second offence, be put in the Pillory. 31 H. 1. cap. 7.

A Butcher that hides an Ox-hide or any other Hide forfeits twenty pence, he that sells a putrified Hide forfeits three shillings and eight pence, and kills Beef to sell under two years old, or Calf under five weeks, six shillings and eight pence, for every day, Statute 1 Jac. cap. 22, but the Clause as to the Calf is Repealed by the 22 and 23 Car. 2. cap. 12. for killing on Sabbath days. See title Sabbath, He that buys fat Oxen, &c. alive forfeits every Ox, &c. 2 and 3 Ed. 6. cap. 17. See 15 Car. 2. cap. 8. Postea Title Cattle.

CHAP. XXIV.

Butter.

A Kilderkin must contain a hundred twenty two pounds, each pound sixteen ounces, besides the Cask, each Pot four pounds, 14 Car. 2. cap. 20.

Old Butter shall not be mixed with new, no Whey Butter with Cream, all Butter shall be salted with small Salt and shall have no more then necessary, on pain to forfeit the Butter, and where the Kilderkin is not measure, six times the value of every pound with it, and to the Buyer that value which it shall be sold for.

Every one repacking Butter to sell again for every pot or Cask so repacked shall forfeit the double value.

All Butter shall be packed in good Casks, with a mark thereon of the weight, when filled the first letter of the Packers name and his Sirname at length, upon pain of ten shillings for each hundred weight and so *pro rata*, a Potter shall weigh his Pots setting thereon his name, &c. or forfeit twelve shillings for every such pot, so Persons that shall pack butter in a pot not marked, *Ibid.*

CHAP. XXV.

Cattle.

NO Person shall buy Oxen, Rents, &c. and sell them again unless he keep them five weeks, upon pain to loose the double value of the Cattle, one Moiety to the King, the other to the Informer, 5 Ed. 6 cap. 14.

Drovers Licensed by three Justices (i. *Quorum*) may buy Cattle to be sold at a reasonable Price in Fairs and Markets forty Miles distance from the place where he bought them. 5 Ed. 6 cap. 14.

CHAP. XXVI.

Of Churches.

Churches Scituated in a Corporation, by the consent of the Major, Justices, &c. or the major part within the Parish, and the Patron be united by the Bishop of the Diocess, 17 Car. 2 cap. 3.

If one shall strike or draw a Weapon, in a Church or Church-yard, with an intent to strike, and be thereof Convicted by Verdict, Confession, or Oath of two Witnesses in the Sessions, &c. he shall have one of his Ears cut off, and be burnt in the Cheek with the Letter, A. 5, 6. Ed.

5. 6 Ed. 6 cap. 4. an Indictment without an Oath only is no Conviction, to inflict the punishment of this Act, 1 Dy. 256. b.

CHAP. XXVII.

Of Certiorari.

When an Indictment is found before the Justices, it often falls out that a *Certiorari* is procured from the Courts above, to remove it thither, as to a Higher Authority, to the end the party may there either Traverse it, or avoide it, for insufficiency of matter or form. The *Custos Rotulorum*, is keeper of the Records, and yet upon a *Certiorari* the Justices themselves must make the return, because the Writ is directed to them, Hob. 135.

It is likewise held there, that the Record it self must be returned, and not *tenor Recordi*, but Mr. *Crompt.* is of opinion that either the Record or the tenor of it may be certified according as the direction of the Writ shall be, *Crompt.* 116 b. *Plow.* 393.

If the Justices shall not make such Certificate as the Writ commands them, there shall go forth an *Alias Certiorari*; next *Pluries vel causam nobis significes*, and at last an Attachament, *Fitz. N. B.* 245. a.

The Writ may be directed either to an inferior Court of Record, or to an Officer of Record, also a Sheriff, Justice of Peace, Coroner, or Escheator; And if it be returnable in *Chancery*, the words are in *Chancellor. nra.* If in to the Kings Bench *Nobis Mittatis*, If into the Court of Common Pleas *Coram Just. nostris de Banco.*

Although the return of a *Certiorari* be passed before it be delivered yet a Justice ought not to Proceed any further; so where a forceable Entry being found and Restitution awarded (then comes a *Certiorari*) and Execution made afterwards, that Restitution was given in the Kings Bench, and the Justice of Peace severely Checkt *Yel.* 32.

If there be variance between the *Certiorari* and the Record, which is to be removed, the Justices need not

to certify such Record, *Lamb. 500 Fitz. N.B. 45. b.*

A Justice may deliver or send into the Kings Bench an Indictment, found before him, a Recognisance taken by him, or a Recorder, by him without a *Certiorari*, but if he have a Recogn. taken in his hands, and then be discharged of his Office he cannot certify it in this case without a *Certiorari*, although he be put into the Commission again, *8 H. 4 f. 5 Cro. Car. 130 & 133.*

If a *Certiorari* come to remove the Indictment of A. in which some others be Indicted with him, yet the Justice, need only to certify what concerns A. For although they be joyntly named, yet they are severally Indicted, *6 Ed. 4. 5.*

If the day of the return of the *Certiorari* be passed, yet the Justices must return the Indictment, *6. H. 7. 16. Bro. Judg. 17 But see Cromp. 132 & 166. & Dy. 235 Contra,*

The *Certiorari* is a *Supersedeas* of it Self, and yet the party may purchase a Writ of *Supersedeas* to be directed to the Sheriff, Commanding him not to Arrest him upon that Record, *Fitz. N. B. 237.*

If a *Certiorari* come to the Justices, and in truth the Indictment was not taken, till after the date of it, yet if it be removed thereby its good enough, *1 R. 3. 4. Lamb. Fitz. N. B. 71. d.*

See the Statute. *21 Jac. cap. 8.* Where all Writs of *Certiorari* to remove Indictments of forceable Entrys, Riots or Assault and Battery, found before the Justices shall be delivered at the Quarter Sessions in open Court, &c. And the Persons Prosecuting shall be bound to the Prosecutor in ten pounds Conditioned, to pay Costs and Damages, &c. or in default thereof the Justices may Proceed.

All the Courts at *Westminster*, may write to the Justices to certify their Records, that make for the Tryal of Causes before them, as in the *19. H. 6. 19.* the *Common Pleas* sent for an Indictment because a Writ of conspiracy thereupon was depending before them.

In some cases, Justices may certify a record found before them, out of Sessions without a *Certiorari*, *vid. Tit. forceable Entry.*

In other cases they ought to certify their proceedings, but need not send the Record, till a *Certiorari* come for it, *See Tit. Peace.*

If

If in a *Certiorari*, to remove a Recognizance, there be these words, viz. with all matters concerning the same as fully as before you they were taken, &c. the Justices together, with the Recognizances, must certify the Examination taken, or the Warrant whereby the Party was brought before them, &c.

Note, No *Certiorari*, shall be granted to remove a Recognizance except the Writ be signed with the hand of the Chief Justice, or in his absence of one of the Justices of the same Court, 1. 2 *Ph. M.* 14.

Note, That upon a *Certiorari* to remove an Indictment of a Riot or forcible Entry, &c. the return must have these words, *Nec non ad diversas Felonias*, or else it is insufficient, 12 *H.* 7. 24. 2 *R.* 3. 9. *Bro. Indict.* 325.

A Record may be removed by a Writ of *Corpus cum causa*, or *Certiorari*, but not a *Recordare*.

In every case where the Justices have Power to receive Indictments, but not to proceed upon them, they ought of duty to send them up without any *Certiorari*. See 5 *Eliz.* cap. 1.

So if a man bound to keep the Peace, do make default at the next Quarter Sessions; The Recognizance with the Record of that default, must be certified into the Chancery, Kings-Bench or Exchequer, that Execution may be had thereupon, 3 *H.* 7. cap. 1.

If Surety of the Peace be taken, by virtue of a *Supplicavit* the Justice (being but a Minister) must of course return the Writ and Certificate of his doing, into the Court from whence the *Supplicavit* did proceed, *Lambert*. But he need not return the Recognizance, with the Certificate without a *Certiorari* requiring him so to do.

If the *Supplicavit* be against divers and the Party will release the prayer of the Peace against one of them, that Release ought to be Certified for him, or a *Non est inventus*, and the Writ must be served for the rest.

Albeit in the removing of Pleas between Party and Party to higher Courts, by *Tolt Pone Recordare*, &c. there was wont to be a probable cause alledged for the same: Yet in this case of the Crown there needs no cause to be comprised, those Courts, being all the Kings Courts, and no loss to any Person in what Court soever the cause be Tried.

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A *Certiorari* must be delivered to the Justices themselves, although the *Custos Rotulorum* be Keeper of the Records (for it is their Office to return it) and whether it be so delivered or not, shall be tryed by a Jury, 21 H. 7. 24.

Note, That *Hankford* Chief Justice of the Kings Bench, required that he who brought thither an Indictment taken before Justices of the Peace, should endorse his Name upon the backside of it, 8 H. 5. 5.

The Clerk of the Peace (upon pain of forty shillings) must certify into the *Kings Bench* a true Transcript of every Attainder, Outlawry and Conviction had before the Justices in any place except *Wales*, *Chester*, *Lancaster* and *Durham*, within forty days after; if it be then Term time, or if not within twenty days after the beginning of the next Term, that the same may there appear of Record to be used upon causes as the Statute appoints.

If a Principle be Attaint of Murder at or Felony in one County, whereunto another is Accessory in another County, if the Justices (of Gaol delivery, &c.) there shall write to the *Custos Rotulorum*, he must certify such Attainder, &c. that Proceedings may be to the Tryal of the Accessory. 2 Ed. 6 cap. 24.

CHAP. XXVIII.

Of Clergy.

What this is, with the beginning and use of it, see at large in *Hob. Rep. f. 288.*

At Common Law Clergy allowable in all Cases except Sacrilege or High Treason at least, such as was against the Kings Person, *Co. 1 Inst. 150. 336.*

By the Statute of the 28 H. 1 cap. 3. Persons in Holy Orders, shall be burnt in the hand, and used as others be, See 32 H. 8. cap. 3.

By Statute 2 H. 7. cap. 13. Clergy is restrained to one or to all Persons, but only such as are in Holy Orders, and every Person Convicted for Murder is ordered

ordered to be marked with an M. in the Brawn of the left Thumb, and for other Felony with a T. and that in open Court.

But now the benefit of Clergy is taken away in several Cases by divers Statutes, As

1. From Persons found guilty (after the Laws of the Land) for Petty Treason, *See* 23 *H.* 8. 1. 28 *H.* 8. 1. 32 *H.* 8. 3.

2. For willful Murther of Malice prepened or Poisoning. 1 *Ed.* 6. 12.

3. For Robbing of Churches, Chappels, or other Holy places.

4. Robbing any Person in his dwelling house, or the owner his Wife, &c. being within the same, and put in fear, *Ibid.* and 5 *Ed.* 6. 11.

5. For Robbing any Person in or near the High-way. 1 *Ed.* 6. 12.

6. For willful burning any dwelling House or Barn which hath Corn in it, *Ibid.*

7. Any Abettors, Procurers, Helpers, Maintainers, Counsellors to such Offences, 25 *H.* 8. 5. 4 & 5 *Ph.* 4.

4. 5 *Eliz.* 17.

8. Persons Convicted of Burglary.

9. Such as break houses, any Person being therein, and put to fear.

10. Felonious Stealer of Horses, Geldings or Mares.

11. Such as command hire or counsel any to commit Petty Treason Murder Robbery, Burning of houses or Barns with Corn. 4 & 5 *P. M.* cap. 4.

12. Such as rob any Person in any Booth or Tent Fair or Market the owners. &c. 8 *Ed.* 6. 11.

13. All Persons Transported into England called Egyptians and staying there above a Month. 1 & 2 *M.* 13.

14. Such as shall be found in Company with Vagabonds calling themselves Egyptians or disguising themselves like unto them and so remaining for a Month. 5. *Eliz.* 20.

15. Persons Convicted of the Felonious taking of Money Goods or Chattles, to the value of five shillings or more in any dwelling house, &c. though no Person be in it, 39 *Eliz.* 15.

16. Such as Feloniously take Money, Goods, or Chattles from another Privily, 8 *Eliz.* 4.

17. Such

17. Such as Stab any Person, who hath no drawn Weapon, or hath not first striken him, if the party dye within Six Months, 1 *Fac.* 8.

18. Popish Recusants, &c. who being Commanded to abjure do not depart, or do return again, 35. *Eliq.* 1. & 2.

19. Any Person receiving, &c. a Jesuit or Priest born in *England* and ordained by Authority from *Rome*, 27. *Eliq.* 2.

20. Any Convicted upon the 5. *H.* 7. 2. for taking any Maid, Widdow, or Wife of substance, or after Marrying her or assenting to it, or defiling and receiving her knowing it.

21. Upon the second Conviction of Forgery, 3 *Eliq.* 14.

22. For Committing Rape or Burglary, 18. *Eliq.* 7.

23. Exercising Conjuraton whereby any Person is killed or lamed, 1 *Fac.* 12.

24. A Souldier departing without Licence, 2. *Ed.* 6.

25. A Wandering Souldier offending against the 39 *Eliq.* 17.

26. Such as steal Cloth from the *Tentors*, 22. *Car.* 2.

27. Such as imbezel his Majestys Stores, *Ibid.*

28. Such as Maliciously maim any Person, 22 & 23 *Car.* 2.

Every Person having his Clergy shall be forthwith delivered out of Prison, and not to the Ordinary; yet the Justices may detain him in Prison as a farther punishment for any time, not exceeding one year, and shall (notwithstanding his admission to his Clergy) answer any other offences.

C H A P. XXIX.

Of Cloth.

ANy Justice, Overseer, &c. may Search for *Tentor*, &c. whereby deceit may be used about stretching of Woollen Cloth; for the first Offence he may deface them; for the second sell them, But two Justices must sell them. 39 *Eli2 cap. 20.* 43 *Eli2 cap. 10.*

The Justices upon information must execute this Law within seven days, And the Justices of the Shire may joyn with those of the Corporation, to appoint Overseers of such Cloth, and to, see the Statute of the 3 *Ed. 1 cap. 2.* 29. *Eli2 cap. 23.* well observed, *quod vide.*

Two Justices upon Complaint may call before them any Person to discover these Offences, and that by two Witnesses or by his own Confession the Offender shall be Convicted, they shall certify the Offence to the Church-wardens, &c. to levey such Moneys as by their Certificate shall appear due upon the Offenders goods, and the Justices in defect of distress shall commit the party without Bail, till he make payment, 21 *Jas 1 cap. 18.*

The Overseers may go into any house, &c. of any Draper, &c. to search for such Cloth, and that only upon suspicion; And fix a Seal of Lead on all Cloth by them viewed with the word *Searched* or *faultry*, and no other Person shall do this under the pain of five pounds 39 *Eli2 cap 20.* 21 *Jas cap. 18.* by which last Statute the Overseers shall fix, engrave their Christian and Surnames upon these Seals of Lead, they shall likewise carry away all Cloth so Sealed, and present the same at the Quarter Sessions, if they find any false Seals set on Cloth, they shall present it, and the Owners at the next Session; but Cloth by them thus lawfully sealed, shall not be afterwards viewed by any other.

If any Person (whose Tenters are defaced) offend the second time, shall forfeit five pounds *Ibid.*

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If any Person refuse to be Overseer he shall forfeit five pounds, half to the King, and the other half to the Justices, and remain in the Sheriffs ward, until such forfeiture be paid, or Suretys put in for the same, *B. 9 Eliz. cap. 20.* The money levied by the Sale of the Tenter, &c. shall be disposed of to the Poor by the consent of any two Justices, by the Statute of 17 *Fac.* certain Cloths made in *Cumberland, Westmoreland, Lancaster* shall not be subject to search, &c. By the Statute of 3 *Fac. cap. 17.*

Welch Cotten shall not be searched, or have a Seal of their length, or weight.

All penalties for want of length, breadth and weight of Cloth, by any Statute now in force, shall be equally divided into three parts. One to the Searchers, the other two, to the Poor of the Parish, *See Stat. 21 Fac. cap. 18,* how to be recovered, these Penalties and forfeitures are under the power of the Justices of the Peace, and for their direction herein. see the Statutes of, 4 *Fac. cap. 2.* 25 *Eliz. cap. 17.* 5 *Ed. cap. 6.* 4. & 5, *Ph. & Ma. cap. 5.* 27 *Eliz. cap. 17.* 5. & 6 *Ed. cap. 1.* 25 *Eliz. cap. 10* 8 *Eliz. cap. 12.*

Any two Justices may take order between the Clothier and his Spinsters and punish such as shall Convey away, &c. all Wool or yarn delivered to them; and the receiver knowing the same being convict by Confession, or two Witnesses shall make recompence by order of the same Justices, or if not able so to do shall be whipt or set in the Stocks, and for the second Offence shall be whipt or set in Stocks. 7 *Fac. cap. 7.*

Clothiers refusing to pay wages assessed at the Sessions and convict thereof before two Justices *Quorum unus* as aforesaid shall forfeit ten shillings to the party greived to be levied by distress. 1 *Fac. cap. 6.*

Two Justices (*Quorum unus*) may take information of Stretching Linnen Cloth, and the Seisor to the next Sessions, and also to pay the Kings Majesty when recovered. 1 *Eliz. cap. 12* *See Stat. 14 Car. 2 cap. 32,* for the power of Justices in the *West Riding in Yorkshire* and for *Norfolk and Norwich,* and also the Towns of *Kedermister.*

For the Prohibition of Forreign Woolcards. Cardwires or Iron-wire or making Wool Cards and the punishment thereof, *See 14 Car 2 cap. 19.*

CHAP. XXX.

Common Prayer.

EVery Incumbent resident on his cure (not having a lawful excuse allowed of by the Ordinary) shall himself once a Month (although he hath a Curat) read Common Prayer, and if need be administer the Sacrament &c. in his Parish-Church or forfeit five pounds to the use of the Parish, upon Conviction by two Witnesses, or Confession before two Justices of the Peace, and if it be not paid in ten days, shall be levied on his goods, by the Church-wardens, &c. by Warrant from the two Justices.

If any Person disabled to Preach by *Stat. 14 Car. 2. c. 14.* shall Preach during such disability, he shall be imprisoned three Months without Bail, and two Justices, or Major, &c. upon Certificate from the Ordinary shall commit him to Gaol.

CHAP. XXXI.

Coffee.

NOne shall sell or retail Coffee, Chokolet, Sherbet or Tea without Licence from the General Sessions, the Chief Magistrate and a Certificate that he hath entered into Recognisance to pay the Excise (for the Licence and Recognisance he shall pay but twelve pence) upon pain of five pounds for every Month in which he shall sell by retail without Licence *15 Car. 2. cap. 11.*

CHAP.

CHAP. XXXII:

Constables.

THE word is derived from the *Saxon* word *Cuning* or *Kinning* which signifies King and *Stable* because they were the Stability of the King and Kingdom.

Two Justices *Quorum unus* may appoint high Constables in *Wales*. 34. *H. 8 cap. 26*.

But the manner is to chuse the Constables in the Quarter Sessions or by the Major number of the Justices of that division out of Quarter Sessions, and they are Sworn either at the Sessions or by Warrant from them.

By the same Authority they are chosen, they are removeable and that not without just cause by the opinion of Mr. Lambert and others. These Constables were ordained by the *Stat. 13 Eliz. cap. 6*, were appointed to keep the Peace, to view Arms twice a year, to prevent default of Armor, Watches, High-ways, hue and cry, such as Lodge strangers for whom they will not answer, and this was to Justices assigned. But it seems that Justices of the Peace may take the same, this is both by their first *Assignavimus* in their Commission, and also the Constables.

Petty Constables were devised for the aid of these about the beginning of the Reign of *Ed. 3*. and this as Mr. Lambert hath it in his duty of Constables p. 9 See also, *Stat. 4 Ed. 3 cap. 3. 10*.

But *Fineux* (12. *H. 7. fol. 18*.) says that Sheriffs at first had the sole rule of the County, then the People increasing, Hundreds were divided, and an High-Constable made in each of them, which Contradicts the opinion of Mr. Lambert.

A Constable upon a general Warrant may carry an offender to any Justice, otherwise it is, if the Warrant be special. *Co. Lit. 1. 5. fol. 59*.

It was held *Trin 5. Car. 1. cap. 7.* Justices at their Sessions may Compel High-Constables to attend the Quarter Sessions, and to present Offenders upon Oath, otherwise it is at the Assises.

The Chusing and Swearing of petty Constables belongs to the Leet, yet it is usual for every Justice to Swear them, and upon cause to remove, *See Title Warrants.*

Anciently both High-Constables and petty Constables were appointed and Sworn by the Sheriff in his Torn.

If they refuse to be Sworn, the Justice may bind them to the Assises, or Sessions, where they shall be Indicted, fined and imprisoned, *Dyer. 29.*

It hath been adjudged that Justices of the Peace cannot Commit a Person until he takes his Office, and that he cannot chuse a Constable, may swear him, and also remove an unfit Person from that Office.

If an unfit Person be Chose in a Leet 'tis cause of forfeiture.

If a Constable die, &c. his place is to be supplied by the Leets or Justices of the Peace.

But now by the Statute of, *14 Car. 2 cap. 12.* In case of the death of Constables or Headboroughs, or in case of their removal out of the Parish, Two Justices of the Peace may swear new ones, they to continue until the next Leet or until the Sessions where the same shall be either approved or others appointed, and if for want of a Leet they hold over a year, they must be discharged and others put in their places; by the same Statute Constables, &c. being out of purse may make rates upon the occupiers of Lands, Inhabitants, and others chargeable to the Poor, which being confirmed by the Justices may be levied by distress, by the Warrant of two Justices to reimburse themselves for passes, &c. carrying of Rogues to Correction, &c.

CHAP. XXXIII.

Conventicles.

THE Statute of 35 *Eli2. cap. 1.* is declared to be in force by an Act of Parliament made 16 *Car. 2. cap. 4.* which later Statute is now expired.

It is provided by a Law made, 16 *Car. 2. cap. 2* at *Oxon.* That all Persons, &c. in Holy Orders or pretending thereunto, and all who have been Possessed of Spiritual promotion and have not subscribed the declaration of *Stat. 14 Car. 2.* for the Uniformity of Prayer, &c. and shall not take the Oath in the Statute *quod vide,* And all Persons who shall Preach in Conventicles, &c. contrary to Law shall not after the 24 of *March. 1665,* come or be within five miles of any City, &c. or place where he hath since the Act of Oblivion been present, &c. before he or they have subscribed the said Oath before the Justice, &c. upon forfeiture of for every offence one third to the King, another to the Poor of the Parish, and the third to such who shall sue for the same by Action, &c. in any Court, &c. wherein no Effoin, &c.

It shall not be lawful for any Person restrained from coming to any City, &c. aforesaid, or who shall not first subscribe the said Oath and frequent divine Service to teach any School or take Borders, &c. upon pain of forfeiture of forty pounds, &c.

Two Justices upon Oath of an Offence against this Act may commit the offender for Six Months, without Bail, unless he shall first subscribe the said Oath before him.

He may come to any such place in his journey, &c. by Process, &c.

If any Subject of sixteen years old shall be present at any Meeting at which are Present five besides the Family, or if out of a house, if above five be Present, one Justice upon proof of the Offence, and Circumstance of the Fact shall make Record thereof, which shall be a Conviction and impose five shillings upon every offender, and certify to

the Quarter Sessions, and for the second offence ten shillings which shall be levied on the Party by distress, but if poor, on any other Person Convict for the same Offence, so as such Sum exceed not ten pounds, on any one Person to be levied, 22 Car. 2 cap. 1.

The Constables, &c. by Warrant of such Justices, &c. shall levy it, and deliver it to the Justices, one of the three parts to the King to be paid, &c. another to the Poor, and the third to the Informer, *ibid.*

Every Preacher in Conventicles forfeits twenty pounds to be levied on him by distress, but if he be a stranger, &c. on the Goods of any Person there present, to be disposed as aforesaid, and for the Second Offence forty pounds to be levied as aforesaid, *ibid.*

A Person that suffers such a Conventicle in his house, &c. forfeits twenty pounds to be levied, &c. as aforesaid, *ibid.*

Where any forfeiture exceeds ten pounds, the Party within one week after it is levied may Appeal in Writing to the Sessions, where it may be levied, &c. and if he do not Prosecute, &c. The Justice shall give treble Costs; and there shall be no further Appeal; The Appellant shall enter into Recognisance to Prosecute, *ibid.*

The Justices or Constables, &c. by Warrant from him upon refusal to enter the house, may take Aide and seize the Persons, and upon a Certificate from a Justice of his Information or knowledge of a Conventicle, which he cannot suppress, any Commissioned Officer or Minister of Justice with Soldiers, or others may prevent or dissipate them, but no Lords house may be searched but by Warrant under the Sign Manual, &c.

Any Constable, &c. not giving information, and thereof Convict as aforesaid, forfeits ten pounds, to be levied by distress.

A Justice of Peace, &c. neglecting his duty, forfeits a hundred pounds, one moiety to the King, the other to the Informer, *ibid.*

This Act shall be taken most strictly to suppress Conventicles, and no proceedings shall be reversed for want of form, *ibid.*

If the Offender live in another County on Certificate of the Informer to the Justice, &c. he shall levy the Penalty.

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Feme Covert living with her Husband, the Penalty shall be levied upon him, and the Offender must be presented within three Months.

CHAP. XXXIV.

Cottages and Inmates.

NO Person shall make, build, &c. any Cottage, &c. unless he assign to it four Acres of Land of Inheritance being near, and always to be used with it, upon pain of ten pounds.

No Inmate nor more than one Family shall dwell in any such Cottage upon forfeiture of 10 s. *per mensem* by the owner or Occupier to the Lord of the Leet, 3 *Eli.*

cap. 7. This Act extendeth not to any Cottages in a City, &c. or erected for Miners or Colemen, being but a mile from the work, or a Cottage within a mile of the Sea, &c. nor to a Warren or old Cottage for Shepherds, or Poor being allowed by the Sessions, *ibidem*.

The Sessions, &c. may determine these offences upon Indictment, &c. which shall be executed by *Scire facias*, &c. for Churchwardens by leave of the Lord, may erect Cottages for the Poor, *Ibid.*

CHAP. XXXV.

Counterfeits.

TWO Justices (*Quorum unus*) may bind to the Sessions, &c. a Person suspected of deceitful getting Money, or Goods into his hands, by false Tokens, &c. and bind him over to the Sessions, 33 *H. 8. cap. 1.* He that shall Personate any Seaman, &c. in the presence of the Kings

Kings Commissioners, there to Receive Moneys due from the King, may be Arrested by such Commissioners, and Imprisoned till he give Bail to Appear; and if Convict shall pay double the Sum he demanded to the Chest at *Chatham*, and Imprisoned for any time, not exceeding the year, 22. 23 *Car cap. 2.*

He that Counterfeits the hand of the Treasurers of the Navy, or knowingly produces Counterfeit Tickets, &c. may be Committed by the Commissioners of the Navy, until he give Bail to Appear at the next Assizes or Sessions.

CHAP. XXXVI.

Dying

ANy Justice upon Information, against any Person suspected to offend this Statute, against the using Logwood, may by Warrant convene the Party before him, and examin him or others upon Oath; and finding the same, shall bind him with Suretys to the next Gaol delivery; or Sessions, and certify thither the Examination, and if such Persons refuse to be bound, may send him to the next Gaol, to remain there till he become bound.

The Justices, &c may Convict the Offenders, and set them in the Pillory, and the Party shall forfeit twenty pounds, 29 *Elix cap. 11.*

Two Justices where Logwood is found may cause it to be Burnt,

CHAP. XXXVII.

Egyptians.

E Very Justice, &c. and within a Month after their Arrival, may Seize the goods of any Persons, calling themselves *Egyptians*, and keep the same, one Moyety whereof to himself, the other to the King, but if such goods be proved to be stolen, they shall be restored, upon payment of the forfeiture of the double value, 22 H. 8. cap. 10.

After the Month this Offence is Felony by Statute, 1, 2 Ph. Ma. cap. 4. 5 Eliz. cap. 10, *Quare*, If these Statutes of, H. 8, be not Repealed by the foresaid Statute.

Note, That by these later Statutes the word *Egyptians*, is extended to Counterfeit Rogues and Vagabonds *English* and *Welsh*.

CHAP. XXXVIII.

Eftreats.

T H E Clerk of the Peace shall deliver to the Sheriff an Eftreat of all Fines, &c. and shall also deliver up into the Exchequer a perfect Schedule of such Eftreats upon pain of fifty pounds to the King and to the Informer, 22. 23 Car. 2, &c.

No Justice, or Clerk of the Peace shall spare, &c. any Indictment, &c. upon pain to forfeit the treble value, See the Stat. 43 Ed. 3 cap. 9. 7 H. 4 cap 3, West. the 2 cap. 9.

CHAP.

CHAP. XXXIX.

Excise.

FOR the duty of Excise, see the several Statutes. 12 Car. 2. cap. 23, 24. 15 Car. 2. cap. 11 and 22, 23 Car. 2. and 1687. and to every one of them.

All forfeitures without the City of London be ordered by one Justice of the Peace, in case of his neglect or refusal, them within fourteen days by the Sub Commissioners, from whom an Appeal lyes to the Sessions, where it shall be finable,

The Oath of an Officer of the Excise, shall be administered by two Justices; no Officer in the Excise, shall be a Justice of the Peace; no Officer shall take a Bail, upon pain of ten pounds which upon proof of two Witnesses shall be levied by the Warrant of two Justices.

Justices shall meet at least once a Month to hear Matters of Excise.

MICH. 12 AXE.

Extortion.

NO Sheriff, &c. by Colour of Office shall take to their use for Arrests, &c. any more then twenty pence to the Sheriff, Bayliff four pence, Gaoler four pence, making of return, &c. four pence, for Obligations, &c. four pence, 23 H. 6. cap. 1.

The Offender shall lose to the Party treble damages, and be fined forty pounds half to the King, half to the Informer; no Sheriff, Bayliff, &c. shall carry or convey any Person in his Custody to any Tavern, Ale-house, &c. so as to charge him with any Sum

or

or Sums of Money there, more then what he shall willingly call for, and freely give, nor take any more then reasonable for his Lodging and Expences. 22, 23 *Car. 2.*

Extortion is an Offence at Common Law punishable by Fine and Imprisonment, and where any Act by common or Statute Law is to be done by an Officer, he ought to do the same without taking any fee, unless by Statute or lawfull usage a reasonable one be allowed him; and where any Officer either at Common Law or in the Ecclesiastical Court shall take any other or more Fees, he may be punished at the Sessions by Indictment, See *Statut. 21 H. 8. cap. 5. 22, 23 Car. 2. 23 H. 8.* What Fees are allowed to Ordinaries, &c. for probate of Wills, or granting Administrations, and See the 4 *Institute.* 336.

CHAP. XLI.

Felonys.

ANY Justice may cause fresh suit and search to be made by Sheriffs, upon any Theft or Robbery, if that the Constables Arrest the Person suspected, and this by power of the first *Assignavimus* in their Commission, may also take the Examination of Persons suspected for Felony brought before him, 2 and 3 *Ph. Ma. cap. 10.*

He must put the same Examination into Writing, and certify to the next Gaol delivery, and then Commit the Offender, unless he be Bailable, which must be done by two Justices, *Ibid.*

The Informer and Witnesses must be bound thither by Recognisance, unless the Informer be unable to Travel, then he must only take his Oath and Certify it. 2 *Inst. 51.* the Case of Justice *Richel*, 1. *H. 8.*

If the Justice do not certify and bind over, &c. he shall forfeit at the discretion of the Justices of Gaol delivery; otherwise for Petty *Larceny*, or small Felonys determinable in the Sessions, it is advisable that he bind him over and certify.

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The Justices by the Statute 18 *Ed. 3. cap. 2. 34 Ed. 3. cap. 17. R. 2. cap. 10.* may give Judgment upon all Felonys not restrained by the Statute of *Ph. Ma. cap. 2.* and so in their Commission.

They have Power likewise by several Statutes to determine these Felonys, *viz.* Soldiers departing without Licence; Felonys presented in the Torn, Cutting Powder, Beggars, Transporting Sheep, incorrigible Rogues, wandering Soldiers and Marriners, carrying men forceably out of *Cumberland.*

But these Felonys they can not enquire of, (1) Felonys committed by the Kings Servants, by the Statute 3 *H. 7. cap. 14.*

(2) Murders or Manlaughter within the Kings Palace, 33 *H. cap. 12.*

(3) Imbezelling or rasing of Records, 8 *H. 6. cap. 12.*

(4) Forging of any Deed or Writing, 5 *Eli. cap. 9.*

Note, If any thing be made Felony by Statute the Justice of Peace cannot enquire of it, unless they be named, neither are they comprehended under the general words of Justices of *Oyer and Terminer.*

(5) Servants imbezelling their deceased Masters goods, 33 *H. 6. cap. 3. Cromp. 56. Lamb. 529.*

Where Murder or Felony is committed in one County, and the Accessory in another; an Indictment taken by Justices of the Peace, where the Accessory is Committed is good, *See 2, 3 Ed. 6.*

Lastly, Justices of the Peace cannot try such as are Indicted of Felony before the Coroner, Justices of Gaol delivery, or of *Oyer and Terminer.*

Some cases of Treason, the Justices may enquire of, As (1) Maintenance of the See of *Rome*, &c. (2) Such as shall obtain Bulls from *Rome*, &c. (3) Such as shall draw a Subject to the *Romish* Church. (4) Such as shall bring in any *Agnus Dei*, Beads, &c. 5 *Eli. cap. 1. 13 Eli. cap. 2. 23 Eli. cap. 1.*

Felonys by Statute.

If any Person being the Kings sworn Servant, shall confederate, imagine, compass or conspire with another to destroy the King, or any Lord, or other sworn of the Kings Council, or the Steward, Treasurer or Comptroller of the Kings house, 'tis Felony, 3 *H. 7. cap. 14.*

It is Felony to break Prison by any Person there in Custody for Felony 1 *Ed.2. p. Felon. 15.*

He is said to be such a Prisoner that is under Arrest, whether without the Prison or within *Dyer 99*, and if any such Prisoner makes his Escape this is breaking of Prison within the Act, 1 *E. 3. 17.*

If the Prison be set on Fire by accident, if any Prisoner therein for saving himself, break the Prison, this is no Felony, but it is an act excusable by the Law of Nature, *Plo. fo. 13. b. 14 H. 7. 29.*

If a stranger break the Prison, or make a Rescue whereby a Prisoner for Felony makes his Escape, this is Felony both in the Prisoner and stranger, 1 *H. 7. 6. 1 Ed.3. 17. Dyer 99.* So it is of Rescuing one at the Gallows to Execution, for this is breaking of Prison within the Statute.

If any Person permitteth a Prisoner that is in his Custody for Felony to escape, such permission is Felony in the Keeper, but not in the Prisoner, but if the Prisoner escape by the negligence of the Keeper, this is only Felony in the Prisoner, 44 *Aff. 18. Bro. Escape 31. Stamp. 31.*

Note, An Escape is properly when a Prisoner Escapes, and gets out of the view of his Keeper, *Stam. 33. Bro. Esc. 4. 35.*

Note, That a voluntary Escape is no Felony, if the act done was not Felony at the time of their Escape made; As it A. give B. a Mortal wound, and the Constable Arrest A. and after willfully suffer him to escape, B. dies, this escape is no Felony neither in the Constable or Prisoner, 18 *H. 4. 12. Plo. 258. 263. 401. Bro. Resc. 17.*

Note, That if a man be committed but for suspicion of Felony, and the Keeper suffers him voluntary to Escape, yet this is Felony though the Prisoner was never Indicted, 44 *Aff. 12. Bro Esc. 31 Dyer 99.*

If a man be Arrested for suspicion of Felony, and those that Arrested him receiving intelligence there is no Felony done, do thereupon discharge him, this no Felony nor Escape; for there can be no Felon, but where there is a Felony Committed, 11 *H. 7. fol. 7. Crompr. 40. Cro. 34.*

But if a Felony be committed, and a Person be Arrested upon suspicion thereof, though he appears innocent of the Fact, yet those that Arrested him cannot discharge

discharge him, and if they do 'tis Felony, 44 *Ass.* 12
Cromp. 40 *Cro.* 14.

If a Justice of Peace shall deliver a Prisoner for Felony without Bail, this is Felony, but if he Bail one that is notailable, this is only a negligent Escape, 25 *E.* 3. 26. 43.

If one be brought before a Justice of Peace for suspicion of Felony, and confess the Felony before the Justice, and he suffer him to go at large, without Bail, this is voluntary Escape, *Cro.* 39.

Cutting any one of the Kings Subjects Tongues, or putting out their Eyes, of a malice præpensèd, is Felony, *P. Felon* 19.

If any Person shall of malice, fore-thought, or lying in wait, shall cut or disable the Tongue, put out an Eye, slit the Nose, cut off a Nose or Lip, or cut or disable any Member of him, with intention to maim him, or disfigure him, 'tis Felony in him and his Abettors, 22, 23 *Car.* 2.

It is Felony without benefit of Clergy to steal Cloth or any other Woolen Manufactures from the Tentors in the Night, 22 *Car.* 2.

It is Felony maliciously to break down any Powdermill or other Banks in Marsh-land, 2, 3 *Ph. and Ma.* 19.

Conjuraton or Invocation of any Evil spirit for any intent, &c. or to be Counselling or aiding thereunto is Felony without benefit of Clergy, 1 *Fac.* 12.

To consult, covenant with, or entertain, &c. any Evil spirit, &c. is Felony in such Offenders, Ayders and Counsellors, *Ibid.*

To take up any dead Body or part thereof, to be employed or used in any manner of Witchcraft is Felony in such Offenders, their Aiders, and Counsellors, *Ibid.*

It is Felony in the Offenders, Aiders and Counsellors, to use or practise Witchcrafts, Inchantments, Charm or Sorcery, whereby any Person shall be killed, pined or lamed within any part of his body, *Ibid.*

To practise Witchcraft, thereby to declare where any Treasure may be found, or where any Goods lost or stolen may be found, or where any Cattle or Goods shall be destroyed or impaired, or to the intent to pro-

vocate

voke any Person to Love, or with an intent to hurt any Person in his body, though it be not effected, every such second Offence is Felony without benefit of Clergy.

Imbezelling of Kings Ordinance,&c. by any Person having the Charge or Custody thereof to the value of twenty shillings, though at several times, Felony 21 *Eliz. cap. 4.*

Imbezelling of any Record or parcel thereof, &c. in any of the Kings Courts at *Westminster* (by reason whereof any Judgment shall be reversed) 'tis Felony in the Partys, their Counsellors, Procurors and Abettors, 8 *H. 6. cap. 12.*

It is Felony without the benefit of Clergy, to steal or imbezel any of the Kings Sails, Cordage, or Naval stores to the value of twenty shillings, 22 *Car. 2.*

If any Person of the Age of fourteen years or above, shall call himself an Egyptian, or shall be in company of such, or shall disguise himself in Apparel, Speech or otherwise like such, and shall be, or continue in *England* one Moneth, at one or several times, 'tis Felony without benefit of Clergy, 1 and 2 *P. M. cap. 4.*

'Tis Felony without benefit of Clergy to acknowledge any Fine or Recovery, Deed Enrolled, Statute Recognizance, Bail or Judgment in the name of any other Person not privy or consenting thereunto, 21 *Jac. cap. 26.*

By the Statute of the 27 *Ed. 3. cap. 11.* it is made Felony to forestall or buy any Merchandize before they come to the Staple

If any Gaoler by dures of imprisonment, shall enforce any Prisoners to become an Approver, this is Felony in the Gaoler, although the Appellee be acquitted, or happen to dye before he be Arrested upon the Appeal, *Stamp. 36. 18 E. 3. 10.*

If any Person find any Hawk that is lost, and doth not immediately bring the same to the Sheriff of the same County to be Proclaimed, &c. but doth imbezel and carry away the Hawk, it is Felony, 34 *Ed. 3. 22. the 27 Ed. 3. 19. p. fel. 20.*

If any Person hurt any Deer or Conys in any Park, Forest or Warren unlawfully, in the night time, with Vizards or other disguises, and upon Examination by a Justice of Peace, conceal the Offence, or any Offender therein,

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therein, 'tis Felony in such Concealers, But if the Offender upon his Examination confess the whole matter, then he is but fineable. 1 *H. 7. cap. 7. p. Felony. 24. Lamb. 271. Dy. 50.*

To take any Tame Beast, or other thing in a Park, by manner of Robbery, it is Felony, 3 *Ed. 1. cap. 20. p. Felony, 14.*

If any Married Person shall Marry a second Husband, or Wife, the first being alive, &c. 'tis Felony. Except the Husband and Wife be absent seven years, and the one not knowing the other to be living within that time, Except also Persons divorced by Sentence in the Ecclesiastical Court, and likewise Persons Marrying within the Age of Consent, 1 *Fac. 11. p. Felony. 4.*

Multiplication of Gold or Silver, or to practise that Art, is Felony, 5 *H. 4. 4. vld. Dy. 18. Plow. 105.*

If any Person infected with the plague be commanded by an Officer to keep his house, shall notwithstanding go abroad and converse in company, having an infectious sore upon him, 'tis Felony. 1 *Fac. 31.*

Wilfull Poisoning of any Person is wilful murder in the Offenders, Aiders, Abettors, Procurers and Counsellors, but the party so Prisoned must dye thereof within a year and a day after the Poyson received, 1 *Ed. 6. cap. 12. 11. Co. Lib. 12. 31.*

To receive, releive aide, or maintain any Popish Recusants, it is Felony, *P. Jesuits. 2.*

'Tis Felony without benefit of Clergy for any Popish Recusant, or such other Recusants or Sectary (which by the Statute. 35 *Eli. 1 and 2.*) are to abjure, if they refuse to abjure, or after abjuration do not depart the Realm, according as they shall be appointed, or after such departure, shall return again without the Kings special Licence, in that behalf first obtained.

The Rebellious or unlawfull Assembly of any Persons to the number of twelve or above, &c. their Procurers, or Relievers, it is Felony in them all, 1 *M. cap. 13.*

It is Felony for any Rogues, being adjudged incorrigible and dangerous by the Justices of the Peace of the Sessions, and by them banished the Realm, to return again without Licence, 39 *Eli. cap. 4. 3.* Rogues adjudged incorrigible or dangerous, being adjudged by the Justices in open Sessions, and branded in the left Shoulder, &c. shall after such punishment offend again in begging.

begging or wandring contrary to the Statutes, 36 Eliz. cap. 10. 1 Jac. 1. cap. 7. 'tis Felony.

'Tis Felony without benefit of Clergy to robbe in the day time any dwelling house, or any out-house belonging, or used, to, or with the same; if the thing so robbed be of the value of five shillings or above, although no Person be therein, or to rob any house by day or night any Person being therein, and thereby put in fear, or to rob any Person any in part of his dwelling place or house the owner or dweller his Wife, Children or Servants, being therein, or in any place within the Precinct of the same dwelling House, or to rob any Booth, or Tent, in any Fair or Market, the Owner his Wife, Children, or any Servant being there within the same, 39 Eliz. 15. Ca. 13. 36.

If any Souldier that is a Subject shall pass out of this Realm to serve any Foreign Prince, &c. not having before their passing taken the Oath of Allegiance, &c. before the Officer thereunto appointed 'tis Felony.

If any Gentlemen, &c. or Person of higher degree, or any Captain or any Officer in Camp shall pass out of this Realm to serve any Foreign Prince, &c. or shall voluntarily serve any Foreign Prince, &c. before they shall become bound to the Kings Majesty with two Suretys (before the Officer thereto appointed) with condition to this Effect, viz. not to be reconciled to the Pope, nor to make or consent to any Conspiracy against the King, &c. but disclose all Conspiracies upon knowledge thereof, &c. 'tis Felony.

If any Souldier who is retained, or hath taken any Press Money, shall depart out of the Kings Service without Licence 'tis Felony. 7 H. 7. 3. 3 H. 8. 5.

'Tis Felony, without benefit of Clergy for any Soldier to depart without Licence after they have served in the Kings Wars, and none but the Lieutenant shall give such Souldiers Licence to depart, 2 Ed. 6. cap. 2 Co. Lib. 6. 27. See. 4. and 5. P. M. cap. 3.

Souldiers and Marriners, and such as wander about under that notion, which shall not settle themselves to some lawfull course of life, but wander about idly, or beg 'tis Felony without benefit of Clergy. 39 Eliz. 17.

So if any such Souldier or Marriner coming from Sea, shall

shall not have a lawful Testimonial under the hand of one Justice nigh the place of his landing, certifying the place and time of his landing and place to which he is to go, and time for his passage, *Ibid.*

Or if he have such certificate in case he exceed the time limitted above fourteen days, or if he forge a Testimonial or make use of one forged knowing the same.

Or if he be retained in a service after his Arrival and depart there from within a year, without leave of his Master. In all these cases it is Felony without benefit of Clergy.

Justices may determine the Offences of Souldiers, &c. and also concerning any other idle Wanderers, but if any subsidy man or honest Freeholder, will take any such Person into Service the Justice must allow of it, so as he be bound for a year, and that such Master be bound in Recognizance of ten pounds to keep him out his time, and then to bring him to the next Sessions. If he depart before the year, he shall be judged as a Felon and be debarred of his Clergy, *Ibid.*

Souldiers and Marriners begging, or Counterfeiting a Certificate from their Captain, shall be punished as Rogues, by Statute, 43 *Eliq.* 3.

Sending any live Sheep out of the Kings Dominions, the second offence is Felony, 8 *Eliq.* 3.

To Ravish a Woman, which consenteth not before nor after, or to Ravish any Woman by force, although she consent after it is Felony without benefit of Clergy, 11 *Eliq. cap.* 6.

If a Woman at the time of the supposed Rape conceive with Child by the Ravishers, this is no Rape, *Stramp.* 24.

It is a good Plea in Rape, to say that before the supposed Ravishment, that she was his Concubine.

To take any Maid, Widow or Wife (having Lands or Goods, or being an heire Apparent) against their will 'tis Felony, and to receive any such man knowing thereof and to abet the same, it is Felony, and such shall be reputed Principals and lose the benefit of Clergy, 39 *Eliq. cap.* 9.

To know carnally any Woman child under the age of nine years, it is Felony without benefit of Clergy, 18 *Eliq.* 7. *Cromp.* 49.

To take a mans Wife with her Husbands Goods, whether it be against her will or her Husbands, it is Felony by, *West. 2. cap. 34*, the same opinion in *Stamp. 94* and *Crompt. 35*,

If any Woman be delivered of a Bastard Child which is found dead, and she endeavour by any manner of way to conceal the same, this is Murder except she prove that it was born dead, *21 Jac. 27*.

If any Person in the night shall wilfully burn or cause to be burnt, or destroyed any Rick, or Stack, of Corn, Hay or Grain, Barns or other out houses, or buildings or destroy or kill any Horses or Sheep; it is Felony, *21. 22 Car.*

But if any one Convict upon this Statute shall chuse to be Transported the Judgment shall be entred accordingly, and that he remain Transported for seven years, and the Sheriff shall Imbarke him, If he return within his time, he shall dye as a Felon, *Ibid.*

If any one in the Night time shall maliciously wound any Horses Sheep or Cattle, or destroy any Plantations of young Trees, or throw down any Enclosures he shall forfeit treble damages to the party greived, to be recovered by an Action of Trespas or Case, *22, 23 Car. 2.*

Upon Complaint, any three Justices (*Quorum unus*) may enquire by the Oath of twelve men, or by Witnesses or otherwise, sitting, touching Offenders against this Statute, and may call such Persons as are like to make discovery and examine them upon Oath, Issue Warrant for Summoning a Jury, and apprehend the offenders and Try the matter. No Person so examined shall be Proceeded against for such Matters as he shall discover. And if any Person shall refuse to appear to be examined or to make discovery, he shall be Committed without Bail 'till he submit thereto, *Ibid.*

None shall be punished by this Act who hath been punished by another Statute for the same Offence, nor be Proceeded against but within six Moneths after the Fact.

If any Export, &c. out of *Eagland* or *Ireland* into other Kingdoms any Wool, Woollfells, Mortlings, Shorelings, Yarn, Wooll-flocks, or Fullers-earth or Lead, &c. in any Vessel with intent to Transport it the same being of the growth of these kingdoms 'tis Felony, *14 Car. 2. cap. 18*,

Every Owner of Ship, Horse or Carriage on which the same shall be laded to be Exported, and every Mariner of such Ship, and every Servant Customer, &c. consenting thereto, shall be a Felon, *Ibid.*

No Person shall be impeached for these Felonys, unless he be Indicted within four years after the fact committed, *Ibid.*

If the Owner, Master, or any Mariner of the Ship, shall within three Months after knowledge thereof, or return, into England or Ireland give the first Information *bona fide* to the Barons of either Kingdom, or head Officer of the Port he arrives at upon Oath, and what the Goods were, by whom, where, and in what Vessel, and be ready upon Process to justify the same, he shall be excused of Felony, but be liable to other forfeitures, *Ibid.*

Besides these Felonys by Statute Law several other Felonys there are by Common Law. As,

The burning of a dwelling house, or Out-house thereunto adjoining, whether the same be done by night or by day, *Bro. Coron.* 135, 155, 226.

So to burn a Barn in the day time having Corn in it, though it doth not adjoin to a dwelling house, *Co.* 4. 20.

So likewise as it seemeth the Law is for burning of Stacks of Corn, *See West.* 1. cap. 15.

If a man burn his own house willingly; *Quere*, whether this be Felony. *See Corp. Russels Case.*

Rescuing a Prisoner Arrested for Felony, is Felony, in the Rescutor, as well in the Party himself as in others, *Bro. Cron.* 127. 130. *Stamp.* 21.

If a man be Arrested for Felony and he that hath Arrested him, letteth him go at large, this is a willful Escape in him and Felony, 9 *H.* 4. 12. *See the Statute de frangenis Prisonam*, 1 *Ed.* 2.

Observe these Rules concerning Felonys.

If a Felony be committed in the Reign of one King, the Party may be Arraigned for it in the Reign of another King, *Bro. Coron.* 178.

If a Felony be committed in one County, and the Offender be taken in another, and brought before a Justice he shall be imprisoned there, from whence he shall be removed by the Kings Writ, unto the Gaol of the County, where the Felony was Committed, and

and the Witnesses shall be bound to prosecute in the same County, 13 Ed. 4. 9. Bro. Fresh. Suit 3.

If Goods be stolen in one County, and carried by the Thief into another, it is Felony in every County, where they are so carried, and may be Indicted accordingly, Co. 7. 2.

If a man steal Goods, and then another stealeth them from him, the Owner may charge either of them with the Felony, 13 Ed. 4. 3. 4 H. 7. 5.

If a man deliver Cloth to a Taylor to make a Garment, and it be stolen from him, the Offender may be charged for the same either at the Owners or Taylors Suit, Cro. 70.

The Kings Officer may break open any mans house, to Apprehend any Felon, or any Person that is suspected of Felony, being in the said house,

See Chapter forceable Entrys. See the several sorts of Felonys in their respective Titles.

C H A P. XLII.

Felo de se.

IF a Man do voluntarily Murder or kill himself by any means or ways, he is a *Felo de se*; all his Goods and Chattels and Debts due upon Specialties, are forfeited to the King; but not until his death be found by the Coroner.

One gives himself a mortal wound, and dies thereof within the year and day after, he is also a *Felo de se*.

If A. having his Dagger drawn, be pursued by B. to kill him and A. falleth down by accident, and B. through hast falls upon his Dagger, in this case B. is a *Felo de se*, Sir Fran. Bacon. 4. 5.

A. discharges a Musket, with a Felonious intent at J. S. and misseth him, and it breaks and kills him that fired it, he is a *Felo de se*.

If an Infant or a *Non compos mentis* kill himself, he forfeits nothing, and so of a Lunatick, if the blow, &c. (which was the cause of his death) be given in time of

his Lunacy, though he dye thereof, when he is of sound Memory.

If the Body of the *Felo de se* be hid, so that the Coroner cannot find him, to enquire of the death, *super visum corporis*, then the Justices of the Peace may enquire of the Felony, and a Presentment thereof made before them, Entitles the King to the Goods, &c.

CH A P. XLIII.

Fees of Justices.

Every Justice for each day they keep their Sessions, may take four shillings, his Clerk two shillings of the fines of the Sessions, by the Sheriffs hands, except such Justices, be Duke, Earl, or Baron, 12 R. 2. cap. 10. 14. R. 2. cap. 11.

For Enrolments of Lands not worth above forty shillings *per annum*, to the Justice one shilling, the Clerk the other, if above forty shillings *per annum* to the Justice two shillings six pence, and so his Clerk, 27 H. 8. cap. 16.

A Person Licensed to keep an Alehouse, shall pay but twelve pence for his Recognisance, 5 h. Ed. 4. cap. 25.

Justices, Majors, and head Officers, for every day they sit to Execute the Statute of Labourers not exceeding three days, five shillings *per diem*, each of them out of the fines coming by the Statute, 5 Eliz. cap. 4.

In all other matters a Justice is directed by his Oath, which is to take nothing for his Office of Justice of the Peace to be done but of the King, and Fees and Costs given by Statute.

CHAP. XLIV.

Fish.

Every Justice is a Conservator of Rivers, and of the Statutes relating to them, See 13 Ed. 1. cap. 7. 13 R. 2. cap. 19. 17 R. 2. cap. 9. and may swear all Conservators.

He ought to burn Nets or Engines put into the water to destroy the fry of Fish, and for the second offence imprison the Offender, for a quarter of a year, for the third Offence, for a whole year, and as Offences increase, increase their punishment; *Ibid.*

By Warrant of one Justice, the Constable, &c. may levy the forfeitures of Offenders in destroying the spawn of Fish, 3 *Fas. cap.* 12.

No Person within five miles of the Mouth of any Haven shall Fish with any Drag-net, under three inches mesh, except for taking of Herrings, Pilchards, and Sprats, or Salmons, in *Norfolk* only.

No Person in any Harbour, &c. shall fish with any Net made with Canvass, or other device, whereby the Spawn may be destroyed for the Offence hereof the Nets, and ten shillings in Moneys shall be forfeited to the Poor, and to him that will sue, to be levied by the Mayor, and by Warrant from one Justice, *Ibid.*

Touching Fishing for Pilchards, See the said Statutes, and 15 Car. 2 cap. 15. 14 Car. 2. cap. 8.

Any Person may seize any Ling, or Herring taken by any Forreigner and imported, one Moiety to himself, the other to the Poor 18 Car. 2. cap. 2.

Any Justice in Lent may search Virtuallling houses, and finding Flesh there may give it to the Poor, 8 *Fas. cap.* 29.

CHAP.

CHAP. XLV

Forceable Entry.

What is to be done by Justices of the Peace about forceable Entries.

ANY Justice on notice of a forceable Entry into holding, or detaining of any Possession, at charge of the party greived, shall make due Execution of the Statutes following.

(1) He shall go to the place, and if need be the Sheriff with him to Arrest the Offender, and remove the force and such as refuse to Assist, shall be imprisoned and fined.

(2) He shall take away the Armes and Weapons of such Persons, and prise them to the King as forfeit, and if the Offender make resistance in keeping his entry may break open the house; if no resistance or show of force the Sheriff cannot Arrest him.

(3) He may Record the force, and this upon his own view which shall be a sufficient conviction to be traversed, the Record hereof the Justice can keep by him or make it indented; and certify one part to the Kings Bench, and leave it with the Clerk of the Peace.

(4) He must Commit immediately such Persons as are seen Continuing the force, until they pay a fine to the King, or give security for the same.

(5) The Justice which shall see the force is the Proper Judge of this Offence, and may Assess the Fine, which must be several and not joynt, which must be Estreated and sent into the Exchequer, whereupon or upon payment of the same, or Surety for the same by Retogaissance the Offenders are to be delivered. It is hold that the Justice may Record the force, Commit the Offender, and certify the Record to the Assizes or General Sessions, that the Fine may be there set, as some are of opinion, or else that he may certify and deliver the Record into the Kings Bench, which is the safest Course.

(6) Also the Justice (notwithstanding his own view) ought to enquire by a Jury, in some Town near by, at

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the cost of the party greiv'd, as well of the forceable entry as detainer, 8. H. 6. cap. 9.

Note, This enquiry must be made whether the Offenders be gone, or continuing at the comming of the Justice, for without it there can be no Restitution, and it ought to be done presently *Cromp.* 124.

If the Sheriff shall not duly Execute the Precept of the Justice to return a Jury, he forfeits twenty pounds and the Justice may determine such default, 8 H. 6. rap.

(1) If a forceable Entry, &c. be found by the Oath of the Enquirors, the Justice shall release the Lands and put the Party into Possession, but then both the putting and holding out must be found.

The Justice may either restore the Party himself of his Warrant to the Sheriff, or certify the Indictment and leave the Restitution to the Kings Bench; But the Justice of Assise, or of the Peace at their Sessions, cannot make Restitution, except the Indictment be found before themselves.

Majors of Citys and Boroughs, in their Franchises have the same Authority as the Justices have in their County at large.

At Common Law one might enter into, and detain with force any Lands or Tenements, where his Entry was lawful.

It is Enacted by the Statute of, 5 R. 2. cap. 7. that no man shall enter into any Lands, &c. with force or Multitude though he had a right or Title of Entry otherwise then in Peaceable and lawful manner, *Plow.* 6.

The aforesaid Statute extending not to a forceable detainer, or Authorizing the Justices of the Peace to punish the Transgressors of it, but by Indictment, at their Sessions; It was provided by another made, 14 of R. 2. cap. 2. that if any man detain, or hold with force after such forceable Entry, upon complaint thereof to a Justice of Peace, he shall presently take the Power of the County, and come and view the same, and by his view and Record of the force, shall Convict and Imprison the Offenders until they make fine to the King.

Because the aforesaid Statute made no Provision against such as enter peaceably, and after detain with force, nor had the Justice any Power to punish, &c. but upon view

view of the force, and if the Offenders were departed before his coming, he could not meddle with them.

But now by the two said Statutes and another made the, 8 H. 6. cap. 9. a compleat and full remedy is provided.

1. Against such as enter peaceably and hold forceably.

2. Such as Enter with force and then hold peaceably.

3. Such as enter forceably and hold forceably.

What is a
Forceable
Entry by the
Statutes.

If any one or more Persons come Weaponed (especially with Weapons not usually born) to a House or Lands, and shall violently enter there into this forceable entry within these Statutes; so having entred peaceably in a House, &c. shall forceably put another out of Possession.

So if after a peaceable Entry he shall use any apparent violent threatening, &c. to the intent to get him out of Possession, this is forceable Entry though the Possession be not quitted by him that held it.

If divers Persons come with Weapons (not usually born by them) to a House that is open, &c. and enter peaceably without any resistance, yet this is forceable Entry, for it shall be intended that they would have used force, if they had been resisted, *Lamb. 14. 6 Cromp. 99.*

So if the Master enter with more then the usuall number of Servants that wait upon him.

An Entry made with force though it be but to cut or take away another mans Corn, &c. or to fell and carry Wood, &c. this seems to be a forceable Entry, though the Party be not put out of Possession, *Vid. Lamb. 14. Cromp. 76. 11 H. 4. cap. 16.*

But if the Entry be peaceable, and after with any force or apparent violence, take away Corn, &c. or fell Wood, &c. it seems these acts are not punishable by the Justices, by virtue of the said Statutes, *Lamb. 145.*

To distrain with force for a Rent (though it be due) amounts to a forceable Entry, *Lamb. 147. Bro. Force.*

Note, A forceable Entry cannot be without an actual Entry, *2 H. 7. cap. 16. Bro. Force. 25.*

Note, Also it is no forceable Entry for him that hath a right

right

right of Entry to go over the Land (though with diverse in his Company, and with Weapons) to Church, Market, &c. If he do not exprefs his intent, if he enters claiming the Land.

If one enter with force into, &c. though no actual Possession be obtained, yet it is a forceable Entry punishable by the Justice; But there is no Restitution to be made where not a forceable putting out, or holding out of Possession and found by a Jury.

If one whose Entry is lawful by faire means, shall persuade him that is in Possession to quit the House, and shut the door, this is Justifiable, if he doth not afterwards hold it with force.

If I shall take a man being out of his House, and send my Servants to take Possession in a peaceable mannner, and I detain him by imprisoning of his body, this is not forceable Entry, but a false imprisoning, punishable by Law.

A forceable detainer is a violent Act of Resistance by Armed men, &c. whereby the lawful Entry of the Justices or any other is thereby hindered.

Note, This forceable detainer must be intended of the Possession of Lands and Tenements and not of the Person of a man.

If Possession be obtained by a lawful and peaceable Entry, it cannot be said to be detained with force if he continue peaceably for three years, and then he may keep it against all Persons but the Kings Officers.

If a Justice comes to a House where the force is suspected to be and find the doors and Gates shut, and the Party which is within deny him Entrance, this is a detainer with force though he see no Person or Armes, &c. and though there be but one Person in the House, &c.

If Persons in Harness, or otherwise Armed, or having Harness, &c. lying ready by them, or any greater number of People then the ordinary Family be in the House, or after peaceable Entry more Weapons, &c. (then he or his Family do usually bear) be brought into the house or make use of such Weapons as (for the defence of the Possession) they find there, or if he order men with Weapons, &c. to lye in readines in a place not far distant, or forestall the way of the Disseisee with Force and Armes, so that he cannot enter, or keep Cattel with force in another

ther man's ground, claiming Common where he has none at all, these Acts the Justice upon view ought to adjudge to be a forceable detainer.

If *A.* enters upon *B.* wrongfully though peaceably and put him out of Possession, if *B.* comes with an intention to enter, and *A.* threatens to kill him if he does this is a forceable detainer, though only by words, *Law 149, Cramp. 7.* but if *B.* desires *A.* to open the door to him, and he denys, this is forceable detainer.

If *A.* be Tenant at the will of *B.* and *B.* enters and commands *A.* to quit the Possession, and he denys it, this is no forceable detainer, unless some Act of violence be used to maintain the Possession.

If a Disseisor make a Gift in Tail to *B.* who after Claim made by the Disseisor continues the Possession with force, this amounts to a forceable detainer.

Note. When ever a mans Entry is lawful, and the Possession be detained with force from him, the Party may pray the Aid of a Justice to remove the force.

Note. Also one Person alone can commit a forceable Entry or detainer.

It seems an Infant above the Age of fourteen years may commit a forceable Entry or detainer; And so may a Feme Covert, and she may be Imprisoned and fined.

It seems a Command, Consent, or Agreement, without an actual Entry, or being present when the force is Committed, is not within these Statutes.

If divers come in Company to enter into any Land &c. and if but one of them Commit a force, they are all guilty.

No peaceable Entry can be made upon the Kings Possessions, nor upon his Term, or for years. *Cramp. 4.*

A forceable Entry may be made upon a Lease for years or Will, or Copyhold, either by a Stranger, or Lord himself, but *Quere.* Whether the Justice may award Restitution, but by the Statute, *21 Jac. cap. 15.* the Justice of Peace is impowered to make Restitution of Tenants for years, Copyholders, Tenants by Elegit Statute Staple or Merchant, that are held out with force.

It is lawful force that is used for the Apprehension of Traytors, Felons, &c. So likewise of any Officer who exercises

exerciseth the Kings Writ, Force is lawful in the removing of forceable Entry or Detainer, or repressing of Riots; The Justice, Sheriff, Coroner, Constable may forceably Apprehend, and carry to Prison such as break, or disturb the Peace in their presence, in all these Cases the Officer may Command others to Assist, and what number he pleases.

It is lawful for any of the Kings Officers (in these following cases) to break open a house to Apprehend an Offender therein. Lawful force

1. For Treason, Felony, or suspicion of either.
2. If one dangerously wound another, The Officer upon fresh suit may break open a door to Apprehend, so may any other Persons as it seems, 7 Ed. 3. cap. 19. *Crompt. 171.*
3. If an Affray be in a house the Constables, &c. may break open the door to keep the Peace.
4. So upon a forceable Entry or detainer found by inquisition, and viewed by the Statutes.
5. To Apprehend a man by a *Capias utlagatum*, or a *Capias Pro fine*, upon any Process or Warrant for taking any Popish Recusants being Excommunicated, or upon a Warrant of the Peace or Good behavior, by the opinion of Popham and Clerk, Justices at Cambridge Assise, 3 Jac. Lastly in all cases where the King is Party, or hath any interest in the business, for no mans house shall be a Castle against the King, *Co. Littleton. 5. f. 191.*

But the house cannot be broken open to execute any Process (at the suit of a subject) either upon the Person or goods of any man.

Upon a Recovery in a real Action the Sheriff may break open a house to deliver Seisin thereof.

Note, That the Officer before he breaks open a house or door, must signifie the cause of his coming, and upon request, &c. and after a Refusal he may justify the breaking open of it.

The Law hath given to dwelling houses several Priviledges.

- (1.) That it is a Mans Castle for his defence.
- (2.) It Protects the Owner against any Arrest by virtue of a Process at the Suit of the Subject.
- (3.) No Salt-Peter can be digged in any mans house, but by his own consent.
- (4.) If Theives come to my house, either to Rob or Murder

Murder me, I may lawful assemble Company to defend it by force, and if any of the Theives be killed, it is no Felony.

(5.) If one be in a peaceable Possession of a house and suspecting another (who hath a better right to the Possessions, and whose Entry is lawful) will enter upon him, he that is in Possession may justify the defending of it with his ordinary Company, and likewise beat the other who Attempts to Enter, but if he be killed 'tis Felony.

If a man being in his own house, is informed that another will come thither to beat him, he may lawfully Assemble his neighbours and friends to ayd and assist him there in defence of his Person.

If a man be threatned, that if he come to such a place he will beat him, in this case he cannot justify his going thither accompanied with his neighbours and friends in the defence of his Person.

Lawful
detainer.

Any Person, or his Ancestors, or he whose Estate hath continuing in peaceable Possession for the space three years, may afterwards justify the detaining it with force, this extends to every Heir, or Feoffee where the Ancestors, or Feoffor hath been so long Possessed.

This is to be intended of one lawful Estate or Possession peaceably continued for three years, without any interruption, and such a Possessor may have Strangers, and have men in Armour to assist him, but he cannot resist the Justice when he comes to view this.

Three years Possession may be pleaded to an Indictment of force found by the Jury, and by such Plea shall avoid both the fine and the imprisonment, and also prevent Restitution.

One that enters forceably, and continues the Possession peaceably, and without interruption for the space of three years, it seems he cannot justify the detaining it by force, so also a Possession obtained peaceably, and after continued with force for three years.

If a Disseisor, &c. continue Possession peaceably three years, yet he cannot hold it with force.

If any Person be lawfully and peaceably Possessed for three years and above, and is disseised the Disseisee re-enters

enters now he cannot defend it with force, for that his Possession was uninterrupted.

If the Possessor of any Land,&c. for the space of twenty years be removed out of Possession, he cannot re-enter with force.

First the Party greived, being seised of a Freehold may have an Assise or Action of Trespass of forceable Entry upon the Statute, 8 H. 6. and thereby recover treble damages, and treble costs of Suit, and shall have a Writ of Restitution thereupon.

Remedies
for a Person
entered up-
on forcea-
bly.

No Action upon the Statute lies but where the Entry of the Party is not lawful, but if a Disseisee enter upon the Disseisor with force, this is punishable by Indictment, and the Disseisor may be restored to his Possession.

The Party griev'd, &c. waving the benefit of his treble damages and costs may be several ways relieved by the Justices of Peace.

(1) He may purchase a Writ out of *Chancery* directed to the Sheriff, or to the Sheriff and Justices of the Peace for to remove the force, and this is upon the Statute of *Northampton*, 2 Ed. 3. cap. 3. The Justices by virtue of the Writ may only remove Force, but cannot restore the Party to the Possession, or he may prefer a Bill of Indictment at the General Sessions of the Possession; of which being found by the Jury, the Justices may Award Restitution.

Or a Justice of the Peace upon complaint made, ought *ex officio*, to go to the place, view the force and remove, and after keep a special Sessions to enquire of the said force, and upon such enquiry to restore the Party to his Possession, and no other Justice can grant a *Supersedeas* to the same Restitution.

The Party griev'd may by *Certiorari* remove the Indictment found either at the General or special Sessions into the Kings Bench where a Writ of Restitution may be granted.

Jurors returned to enquire of this force, must have forty shillings Freehold *per annum*, and if they appear not at the first day, the Justice may Award an *alias & pluries ad infinitum*, but upon the day of the second Precept, the Sheriff must return forty shillings Issues upon every of them, and at the third day five pounds, and so upon every day after double.

The enquest is good for the King though some of the
H Jurors

Jurors have not forty shillings Freehold *per annum*; but *Quere*, whether the party greived shall have Restitution upon such Indictment, likewise the Enquiry is good tho the Sheriff do not return full Issues upon the Juror, and so it is if the Justice goes not to view the place where the force is.

Of Restitu-
tion.

If it appear to the Justices of Peace that the Indictment of Force, &c. taken before them be insufficient in Law, either matter or form, they ought not to Award Restitution thereupon, as to the putting out (by express words) must be in the Indictment, for without an expulsion there need no Restitution, and this putting out must be only of Houses or Lands; and not of any Rent Common, &c. wherewith an Actual Entry cannot be made. (2) The Indictment must express the quality of the thing entred upon, *sc.* whether it be Messuage, Cottage, Meadow, Pasture, Wood or Arable Land, for if it be general of an Entry into Tenements it is void for the uncertainty. (3) The Indictment must have these words, *And yet hold out*, otherwise it shall be intended that either the Disseisor hath quitted the Possession, or that the Disseisee hath re-entred. (4) One of the two words with *Strong hands* or with *Multitude*, seems to be material in the Indictment unless they be supplied by reciting the Statute of the 8 H. 6. and concluding against the form of the Statute, or by some other words in the Indictment.

If a man be restored upon an insufficient Indictment which is removed into the *Kings-Bench* the Court there may cause the party to be restored that before was put out by the Justice of Peace, so two Justices of the Peace that were present at the finding of the force, may Superseede a Writ of Restitution grounded upon an insufficient Indictment, and if it were found at the Quarter Sessions the *Superseedeas* shall be granted under the teste of one of these Justices only, that were there present at the finding of the force, *Dyer.* 187.

An Indictment that he entred and detained with force is traversed and found that he entred with force, but not held with force, is good, and Restitution shall be Awarded; and if upona traverse it is found that one entred with force, and the other detained with force, yet the party shall be restored, *Bro. Force.* 15:

If it be found by one Inquest that A. put out A. with

with force, and it is found by another Inquest that B. disseised A. with force, now either Party may pray execution against the other, but he that first obtained it may be put out by virtue of the second Writ of Restitution, *Bro. Force.* 6.

If at one Sessions it be found by two several Indictments that I am put out with force by A. and B. it is at my Election upon which of these Indictments to be restored, If I have Restitution upon the one, I cannot have Restitution upon the other too, if the Sheriff does not return upon the first that I was not Restored and then I may sue out the other, *Crompt.* 166.

A. is disseised with force by B. and after B. is put out by C. and all this is found by one inquisition, B. may have Restitution against C. (for B. hath more right to the Possession then C.) and then may A. have Restitution against B. But if upon this inquisition A. have Restitution first, then B. shall not have Restitution, otherwise if it had been found by several inquisitions.

The Justice of Peace before whom the force is found, may himself put the Party in Possession, or he may make his Precept under his own Teste alone to the Sheriff so to *Dyer.* 187. No other Justice of Peace, but he or they, before whom the force was found, can Award Restitution.

The Justice of Gaol delivery or of Oyer, and *Terminer*, Who shall award Restitution, or Justice of the Peace at their General Sessions, cannot grant Restitution unless the Indictment was taken before them.

But if the Justice before whom such Inquisition was found dye before Restitution made, or before it be removed, by some opinions the residue of the Justices at their General Sessions may grant a Writ of Restitution, but the Court of *Kings-Bench* either upon Certificate or Removal upon *Certiorari*, or a delivery thereof in Person by the Justice before such Indictment was taken, and the *Kings-Bench*, nor any other (besides him who made the enquiry) can Personally restore, but only by Precept to the Sheriff.

Note, The same Justice before whom the force was found, and having a Writ of Restitution, may after stay by their *Superfedeas* to the Sheriff, and no other Justice besides can do it.

H 2

If

If the Father be put out and dyeth, his Heirs shall not have Restitution.

A Disseisor shall be restored for the Title is not material but the Form.

And to
whom.

Disseisee enters peaceably into a void Possession, Disseisor being abroad; in this case, though the Disseisor keep it with force, yet the Disseisor shall not be restored.

Any Person of his Family in a house, preserves the Possession, but not his Cattle being upon the ground.

Where two are in Possession, the Law will adjudge the Possession in him that hath the right.

Two joynt Tenants or Tenants in Common, and one puts out the other forceably, he may have Trespass upon the 8. H. 6.

Neither the Heir nor the Executor shall have Restitution upon the death of the Ancestor or Testator, for it must be the same Person, and not his Representative.

A particular Tenant as a Copy-holder, Tenant for years, &c. shall be restored, though the Tenant of the Freehold wave or oppose it, Sir Audley Nowells Case Tel. 81.

The Statute 21 Fac. cap. 15. is to be taken strictly and not by Equity, and an Indictment upon it for a Copy-holder omitting *per Copiam Rotulorum Curie* was quashed, Latch. 182.

Where a Justice cannot
grant Restitution.

A Party Indicted for a force shall not give his Title in evidence to excuse it, may disprove the Plaintiffs Title to hinder Restitution, Lamb. 151. Cromp. 162. Force 11.

And to the same end he may plead these matters following. (1) His quiet Possession for three years together. (2) May deliver to the Justice a *Certiorari*, which will be to them a *Supersedeas*, 21 Fac. cap. 8. He may tender his Traverse. (4) may plead the insufficiency of the Indictment. (5) the insufficiency of the Jurors not having forty shillings *per annum* Freehold.

'Tis enacted by 21 Fac. cap. 8, that all Writs of *Certiorari* be delivered at the Quarter Sessions in open Court, and not to be allowed unless the Party Indicted become bound to the Prosecutors in a Bond of ten pounds upon Condition to pay to the Prosecutors such Costs and Damages (within one Moneth after the Conviction of the

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the Party Indicted) as shall be Assessed by the said Justices in their Sessions.

Restitution ordinarily is granted in these cases,

Restitution
where gran-
table.

(1) If the Indictment removed be for matter in the body of it, or exception quashed.

(2) If a *Certiorari* hath Issued, which hath not been allowed or the Proceedings not staid thereby.

(3) If an indirect course have been used to avoid the Effects of the *Certiorari*.

(4) The Justices below misbehave themselves not allowing the Plea of three years Possession.

Note, Oftentimes Restitution is denied, where the Party in Possession offers to appear and try the right.

CHAP. XLVI.

Of Forfeitures.

THE Punishment of every Person attained of Felony is four fold.

1. He shall loose his life by being hanged between Heaven and Earth as unworthy of both.

2. He shall lose his blood both in regard of his Ancestry and Posterity.

3. He shall forfeit his Fee Simple Lands from the time of the Offence, and the King shall have the profits of them for a year and a day from the time of the Attainder and then it shall Escheat to the immediate Lord of the Fee.

4. The Offender shall forfeit all his Goods and Chattles, from the time of the Attainder, viz. Corn growing Profits of all his Lands during his life; all debts due to him upon Statute, &c. Simple Contract, and upon Account, and yet the King shall not pay such Debts as the Felon owed, and if the King assign the same, the Party may sue either in the Kings name or his own.

At Common Law; If a Felon be found guilty before a Coroner, or that he fled for the Felony, though he be found not guilty, the Coroner, Sheriff, &c. may seise his

goods, and praise them by an Inquest before Attainder, and yet they must not carry them away, but leave them in the Custody of the Township, where they are to be answered to the King.

And so also if a Person be Indicted of Felony, yet his goods shall not be removed until Attainder, but the Officers may Seise and Appraise, and take Suretys that they be not imbezilled, and if such Suretys be denied, may be delivered to the Townships as before.

The Felon must have reasonable maintenance of his Goods for himself and Family until he be Convicted.

But see now the Statute. 1 R. 3 which provides that if any Sheriff, &c. seise the Goods of any Person Arrested for Felony before he be Convicted or Attainted, or that the same be otherwise forfeited he shall pay to the Party double the value of such goods, so that now the goods are not to be seised or removed. And a Traitor or Felon may *Bona fide* sell his Goods for his maintenance any time before the Attainder.

Note, a Person is said to be Indicted when the Offence is found by the Grand Inquest, Convicted when he is found Guilty upon a second Jury, Attainted when Judgment is given upon him, *Co. Lit.* 391.

Note, also that not only the Felons own proper Goods but also such goods as he had stolen, and for which he is Convicted were forfeited to the King.

At Common Law unless they had been taken upon Hue and Cry, or fresh pursuit. But see now the Statute 21 H. 8. cap. 11, which Provides that if any Person hath Goods Stollen from him, if the Felon be thereof found Guilty by Evidence given by the Owner of such Goods, or the Party Robbed, or by his procurement, then such Owner shall be restored to his Goods by a Writ of Restitution, although he made no fresh pursuit or Hue and Cry.

The same Law is if the Felon be Outlawed upon an Indictment by means of the Party Robbed, &c. then the Justices before such Felony shall be found have Power to Award Restitution.

The Executors of the Party Robbed, &c. are within this Law if by the Evidence they shall give, or Process to be given, the Felon being Attainted, *Co. Lit.* 6. p. 80.

If there be diyers of the Theiyes and but one of them is Attainted, &c. yet the Party shall have Restitution.

Note. If the Goods be sold in a Market Overt, before Attainder, there is no Restitution to be made, unless it be in London, or within two Miles of it by the Statutes,

1. *Fac. cap. 21.*

A man shall have Restitution of Money Stollen though it cannot be known, *Bro. Restitution. 22.*

CHAP. XLVII.

Forstallers, Regrators, Ingrossers.

NO Person shall buy to sell again any Butter or Cheefe save in Shops or Markets, and not in Gross upon pain to forfeit the double value to the King and the Informer, 3. 4 *Ed. 6 Car. 21.*

Retail is expounded where a weight of Cheefe or Barrel of Butter is sold, this Statute extends not to Inn-keepers, or Victuallers.

1. If any Person buy things coming to Market by Land or Water to a Market or Port, &c. or Contract for the same, &c. he is a Foreftaller.

2. He that doth regrade (in any Market) any Corn, Wine, &c. or dead Victuals brought to be sold, and sell it in the Market he is an Ingrosser.

3. He that gets into his hand by buying, or promise, or otherwise by Demise, Regrate any Corn, Butter, &c. with intent to sell the same is an Ingrosser.

4. A Person Convict of this Offence shall be imprisoned without Bail for two Months, and forfeit the value of the Goods bought.

5. For the Second Offence he shall be imprisoned without Bail for a year, and lose the double value of his Goods.

6. For the third Offence he shall be set in the Pillory, forfeit his Goods, and be committed during the Kings pleasure.

7. Buying Barly or Oats to be made Malt, and not by forefalling; buying by Fish-mongers, Butchers, poulterers, things belonging to their Trade to be sold by Retail. Taking Corn, buying dried Fish, &c.

A Carrier Licensed, &c. buyeth Corn, &c. upon reservation in Lease. Inholders buying Corn. to be sold in a Market, &c. Provisions for a City, Ships, are no ingrossings.

8. One buying Corn for change Seed, not bringing so much to Market, forfeits the double value.

9. The Sessions shall determin these Offences, by Bill or otherwise, &c. and Eftreat the Kings part, and Award Execution, &c.

10. Any Person impeached within this Act shall be sued within two years.

11. A Person living within a mile of the Sea, may buy Fish and sell the same, &c. at reasonable prises.

12. The Statute of the 5 Ed. 3. cap. 12. shall not extend to Wines, &c. brought into England, Fish and Salt only excepted.

13. The Statutes of the 3, 4 Ed. 6. cap. 21. and 5, 6 Ed. 6. cap. 14. shall not extend to Freemen of London, buying Butter and Cheese, &c.

14. Justices shall declare in Sessions, that the Traders in Butter and Cheese, shall forbear to buy, &c. if they do not be exempted from the Penaltys of these Laws.

15. No Drover, &c. shall be allowed but in Quarter Sessions in the County where he hath dwelt three years, and none but a Person Married, a householder, and thirty years old, and for one year only.

16. A Woman can have no Licence, and he that hath cannot sell by his Servant.

17. The Licences shall bear date, the day and date of the Sessions, and be Sealed by three Justices, *Quorum unus*, upon pain to the taker of five pounds to the King.

18. The Sessions shall take Bond, that the Person Licensed, shall not forefall, &c. The Licence shall cost but twelve pence, the Recognisance four pence, for which the Clerk shall keep a Register of their names, &c.

19. No Person by such Licences shall buy Corn but in Market

Market unless thereunto Specially Licenced or forfeit five pounds.

20. The Sessions shall determin these Offences by inquisition, &c. and make Proceſs as if they were Indicted. And upon Information of any other, there the King may Extract the Kings Moyety, and make Execution by *Fieri facias*, &c. If the Conviction be at the Kings ſuit only, he ſhall have the whole forfeiture.

21. The Act ſhall not prejudice Corporations in Purveyance, nor extend to *Westmoreland, Comberland, Lancaſter, Cheſter, York*.

22. No Perſon ſhall regrade or ingroſs Oak-bark, with intent to ſell it again, on pain to forfeit the ſame.

23. No Perſon ſhall foreſtal Hides coming to Market, &c. but in Market, or buy any except of him that killeth the Beaſt to ſpend in his houſe on pain to forfeit ſix ſhillings and eight pence for every Hide.

CHAP. XLVIII.

Games.

NO Perſons ſhall meet out of their own Pariſh on the Lords Day for any Sports, nor ſhall any Bear-Baiting, &c. or other unlawful exerciſe be uſed by any within their own Pariſh on pain to forfeit for every Offence, three ſhillings and four pence to the Poor, and one Juſtice or cheif Officer ſhall give Warrant, &c. to the Conſtables to levy the ſame by diſtreſs, and for default thereof the Offenders to be ſet in the Stocks for three hours. None ſhall be impeached by this Act unleſs he be queſtioned within a Month, 1 *Car. cap. 1.* 3 *Car.*

cap. 4.

No Apprentice or Servants ſhall play at Tables unleſs for Meat or Drink, nor at Tennis, Dice, Cards, Bowles, or other unlawful Games out of *Chriſtmas*, nor then neither unleſs it be in their Maſters houſe or preſence, 11. *H. 4. cap. 4.* 33 *H. 8. cap. 9.*

A Juſtice may enter into any houſe where playing at Dice,

Dice, &c. shall be suspected to be used, and imprison the Keepers thereof, till they enter into Recognizance with Sureties no longer to occupy any such house of play, &c.

He may likewise Imprison the Players without Bail till they be bound by Recognizance no more to Play or haunt such places.

The Penalty for Servants, &c. Playing at Dice, &c. on of *Christmas*, is forty shillings, for keeping a house for unlawful Games forty shillings *Per diem*. For Playing here six shillings and eight pence, every time; Majors, &c. shall once a Month Search such places or forfeit forty shillings. Majors, &c. shall four times a year Proclaim this Statute in the Market, and Justices in their Sessions.

All suits upon these Statutes shall be Prosecuted in the County, every Licence for keeping a Bowling-Ally, &c. shall be void, 31 *Eli2. cap. 5.* 2, 3 *Pb. Ma. Sec. cap. 9.*

Playing at Cards Dice, and the like, are not Prohibited by Common Law, but only false Dice, and false Cards.

CHAP. XLIX.

Games.

IF any one shall carry, keep, &c. any Gun, Cross-bow, &c. Contrary to the Statute, 33 *H. 8. cap. 6.* every Person may Arrest the Offender, and carry him to the next Justice, who may Commit him till he pay the penalty *Sc.* ten pounds. By this Statute no man may keep or shoot in any Gun, &c. except he hath a hundred pounds *per annum* in Lands, &c. Or forfeit ten pounds every time.

2. None may keep, &c. any Hand-gun under one yard length, nor other Gun under three quarters of a yard length, or forfeit ten pounds. Any one having in Lands &c. 100. *per annum*, may take from the Offender every

such Gun, Cross-bow, &c. and keep such Bow but break the Gun within twenty days, or forfeit forty shillings, and keep the Gun.

By the Statute, 3. *Fac. cap.* if any one not having Lands, &c. of forty pounds *per annum.* or not worth in Goods two hundred pounds, shall use any Gun, &c. to kill Deer, or Conys, or ~~keep any~~ Buck-stalls, &c. (except he hath ground enclosed, or be a keeper, &c.) Any Person having an hundred pounds *per annum* may take from him, and keep to his own use, &c. any such Gun, &c.

3. No Person in his journey may carry any Gun charged or Bow bent (saying in time of War, or going to or from Muster) except he hath a hundred pounds *per annum* in Lands, &c. or forfeit ten pounds.

4. No Person may Shoot within any City, Burrough or Market-Town, nor within one quarter of a Mile, except for his defence, or at a Butt, or forfeit ten pounds.

5. A Master may not compel his Servant to shoot in any Cross-bow, &c. except at a Butt, or in time of War, or forfeit ten pounds.

Out of this Statute are excepted the Shooting at Butts, &c. by serving-men, whose Masters are enabled by Statute, And also Lords, Knights, Esquires, Gentlemen, and the Inhabitants of every City, &c.

All Persons dwelling alone, or near the Sea, makers and sellers of Guns, &c. and Persons having Placards, *Sec. 1 Fac. cap. 27.*

All Persons that shoot in Guns must present their Names to the next Justices. *2 Ed. 6. cap. 14.*

Any two Justices may Commit such Persons as shall shoot any Partridge, &c.

CHAP. L.

Hawking.

ANY Justice may examin Offences, for Hawking with Spanel in Eared Corn, and bind over the Offender, 23 *Eliz. cap. 10. 7 Jac. cap. 11.* Hawk found, shall be delivered to the Sheriff, *Vid. Tir.* Felony, where the taking and concealing of them is Felony, *Ibid.*

If any Person not Licens'd take Hawks, or their Eggs, out of anothers ground he shall be imprisoned three Months, pay the Party treble damages, and be bound to the good behavior or lye in Prison seven years, 5 *El. cap. 31.*

CHAP. LI.

Hearth Money.

EVery house, &c. shall be charged with two shillings *per annum*, for every Fire-harth. 14 *Car. 2. cap. 10.*

The owner upon notice shall give an account in Writing of all his hearths. *Ibid.*

The Officer shall require such account, or for want thereof, enter and view and deliver the same to the next Sessions to be inrolled *Ibid.*

Treasurers and Officers of Inns of Court and *Chancery*, &c. and Constables, &c. shall half yearly Collect the same, and give discharge, &c. may distrain for the same within twenty days, they shall pay to the High Constable, they within ten days to the Sheriff, he within thirty days into the *Exchequer*. But the Sheriff of *London* and *Surrey*, and of all Towns being

being Countys, are Collectors. Accounts shall be taken of Hearths increased, suit shall be brought within two years, Church-wardens, &c. shall certify who they are; Blowing-houses, &c. are excepted. Occupiers shall pay the Duty, 14 *Car. 2. cap. 10.*

A new Survey is appointed, and several Penalties for concealment by the Statute, 15 *Car. 2. cap. 13.*

An Officer though removed, may Collect it, shall forfeit twenty shillings every week he neglects his duty.

May enter the house and distrain, and taking Assistance with him.

A Sheriff, Collector, may make a Deputy Officer in Societys, by Statute, 16 *Car. 2. cap. 3.* The King by advile, &c. may appoint Officers to Collect, &c. to certify defaults, and the former Officers are discharged from Collecting, &c.

All Officers are to be assisting to them.

Within a house after non-payment upon demand, they may distrain and levy the Duty with the Assistance of an Officer.

A Justice may punish any violence done to such Officers by imprisoning the Party under a Month.

Every Person so employed, shall take an Oath, and give Security to Execute his Office according to Law, and take no Fee of the Subject upon pain to disable, &c.

The present Occupier is chargeable to all Arreages.

If any Person fraudulently stop up, or conceal any Hearth chargeable, he shall forfeit the double Duty.

In several cases there expressed the Land-Lord shall pay for his Tenants.

No Person who hath an house in any City, &c. with more then two Chimnys; And not an Alms-house. One or more Justices shall finally determine any question about the levying this Duty.

The Collectors must bring their sufficient Authority and Deputations with them into the Country.

CHAP. LII

Of High-ways.

ANY Justice may cause Market ways to be enlarged and cleaned, so that no Bush, Tree, &c. shall remain within two hundred foot of either side the way, See, 4 Eliz. A Justice may admonish the doing of it, and if it be neglected presented at the next Quarter Sessions.

If High-ways be not enlarged, Enquiry shall be made, who ought to Enlarge them, and of such as hinder it, See Stat. of Winchester.

If a way founder, and that there be out lets from the soil adjoyning, the People may Travel upon the soil, though sown with Corn, and if a way be through a mans Lands, and he hath fenced it in, he hath bound himself to repair the High-ways.

Every Justice (upon his own knowledge) may present a High-way not well repaired, to the General Sessions, and he may do the like for any Offence concerning High-ways contrary to the Statutes, 2, 3 Ph. Ma. 5 Eliz. cap. 13. upon which the Sessions may Assess a fine in the absence of the Offender.

Constables and Church-wardens shall call together the Parishioners, and chuse Surveyors of the High-ways, 2, 3. Ph. Ma. 8. See that new Statute. 22 Car 2. whereby it is Provided that the Surveyor shall be chosen in Christmas week, by which Statute likewise the appointing of days of working injoined to the Surveyor, of which notice is to be given in the Church by the Constables.

Every Person keeping a Plowland, &c. shall send at every day and place appointed, &c. for every draught of Plowland, &c. one Cart and two able men for Six days, &c.

He which hath a Plowland lying in several Parishes, shall be charged only in the Parish where he lives, but if he

he have two Plowlands in divers Parishes, he shall find a Cart in each Parish.

In places where Carts are not used, the Inhabitants shall send Horses with able Persons; 22 *Car.* 2. If there appear more Carriages then needful, the Surveyor may demand two men in their Room of every Carriage, 2, 3 *Ph. Ma.* 8.

Every householder, &c. (not being a Servant by the year) shall for himself, or another work every of the said six days, by the space of eight hours.

See the Statute. 18 *Eliq.* cap. 10. A Cottager, if he be in the Subsidy, five pounds in Goods or forty shillings in Land shall find two able men, &c.

All Fences, &c. adjoining to the High-way shall be Scoured and kept in repair by the Owner, 5 *Eliq.* and 18 *Eliq.* cap. 10.

Note, It is not enough for Parishioners to work the full six days yearly on the High-ways, except that thereby the ways are sufficiently repaired, for if they be not the whole Town might be Indicted.

A High-way lying out of any Parish ought to be repaired by the whole County.

The King (by Common Law) may Award his Commission for the amending of High-ways throughout the Realm.

If any one chosen to be a Sureyor, or refuse the Office every Justice may Present this.

Every Surveyor within twenty days after notice of his Election, upon Penalty of five pounds shall view the High-ways, &c. in order to their amendment.

If an High Constable, &c. receiving any estreat for the levying of any forfeitures, shall neglect the same, or not Account for, and make payment of, between the first day of *March*, and the last of *April*, all such Sums as shall be levied by him to the Constables, &c. or if the Constables, &c. shall not employ the same upon High-ways, every Justice upon his own knowledge may present those defaults.

Surveyors shall appoint six days for providing materials having Respect to the Seasons of the year, and make return shall present the same to the next Sessions, 22 *Car.* 2 or the same Justice by the proof of one witness may levey upon the Offender. For want of a day Labourer, one shilling and six pence, for every man and horse,

horse, three shillings, for every Cart and two men ten shillings.

Every Surveyor may take and carry away Rubbish or broken Stones in any Quarrey within the Parish towards the mending the High-ways, 5 *Eliq. cap. 15* he may likewise dig for and take in the ground adjoining to the High-ways any Sand or Gravel so as he do not dig in any Garden, &c. and but one Pit only, and that but two yards over and fill the same again within one Month at the charge of the Parish. He may likewise justify the gathering of Stones in the ground of any one within the Parish, for the mending of the High-ways.

If there be not sufficient materials in the same Parish for the repair of the High-ways, the Surveyor (by the allowance of two Justices) may take Chalk, &c. in the Commons of a Neighbours Parish to the filling up the Pits within a Month, and if there be not sufficient Stones in the Commons, &c. of the Parish, The Surveyor may take the same within the several Grounds of any man in such Parish, without paying for the same, and filling up the Pits. 14 *Car. 2.*

A Surveyor may cause any Water course to be turned into any mans several Ditch, or ground adjoining to the High-ways.

Two Justices *Quorum unus* may take the Account of a High-Constable, &c. who hath received an Estreat of fines, &c. and compel him to pay them to the Petty Constables, &c. or Commit him, but he must have eight pence for every pound, and 12 *d.* for the Fee for the Estreat.

A Justice upon Complaint, &c. may compel such as have been Constables to pay their Arrearages for the leveying the Estreat, See. 18 *Eliq. cap. 19.*

All Charitable gifts for the repairing of the High-ways, &c. All Issues for not appearing, all Fines, &c. shall be employed on the High-ways by the Warrant of two Justices; And the Suretys, shall Account with the Inhabitants within one Month after the year, and pay the overplus; And for default two Justices may Commit him, 14. *Car. 2. cap. 6.*

No Travelling Cart or Wagon, Carriage, wherein any burdens, &c. are carried. other then such as are employed in Husbandry, &c. shall go with above five Horses at length.

If any draw with any greater number of Horses or Oxen, they shall draw in pairs, except one Horse, otherwise the owner shall forfeit forty shillings, one third to the Surveyor, &c. another to the overseers, &c. to be levied by Warrant of any Justice, 22. Car. 2. A Constable or Surveyor not putting in Execution the Acts about High-ways or suffering Carts to pass through their Limits, otherwise than as aforesaid, shall upon proof before a Justice, upon his own view incur such fine under forty shillings, as he shall impose, *Ibid.*

Every Person which shall oppose the Execution of the Acts shall pay forty shillings within seven days after Conviction, or be committed 'till payment, *Ibid.*

Justices of Peace, &c. may determine matters concerning charitable gifts for repairing High-ways, &c. make Orders, for imploying the same (except in Colledge, &c.) and the Appeal in these cases lyes to Chancery, 14 Car. 2. cap. 6.

If High-ways cannot be repaired before *Midsummer-day*, yet they shall be repaired before *St. Lukes-day* 22 Car. 2.

The default of the Highways, repairing of the Highways, shall be presented in the County, neither shall the Indictment be removed thence by *Certiorari* till after Judgement, *Ibid.*

Yet it seems an Indictment for not repairing a Bridge, lying between two Countys, where it be not known who ought to repair, may be removed, *ne deficeret justitia.*

The Sessions upon Indictments, may fine for all Nuisances, Incroachments, and Purprestures: where Gates are erected in such places of the High-ways, where there hath not been antiently any, Persons may pull them down, or the Offence may be Presented, Incroachments shall be Presented at the suit of the King, though the Soil thereof belongs to others.

And in case of a publick Nuisance the remedy must be the same.

Particular Statutes concerning High-ways, I shall not write, but refer you to the same at large, also to such general Statutes as have some clauses in them relating to particular High-ways, which are as followeth, 39 Eliz. cap. 19. 14 H.8. cap. 6. 26 H.8. cap. 7. 13 Car. 2. cap. 2.

22, 23 Car. 2. 37 H. 8. cap. 13. 1 Ma. 5. 18 Eliz. cap. 20. 25 Eliz. cap. 7.

CHAP. LIII.

Of Homicide.

Homicide, *ex vi termini*, signifies no more then the killing of a Man, and therefore I shall place under this head, Murder, Manslaughter, Chancemedly, or Homicide, by misadventure, Casual death, Homicide upon necessity or *Se defendendo* of which in their orders Take in Homicide as the Genus to them all.

Murder.

Murder is the killing any Person upon premeditated Malice, which is either expessed or implied, as when one killeth another without any provocation, the Law doth presume that such an Act proceeded from a premeditated Malice.

And accordingly it hath been provided by the Statute, 1 Jac. cap. 8. that if one shall stab, strike, or thrust another that hath not then a Weapon drawn, or hath not then first stricken the other, and the party so stabbed, &c. dies within six Months after, though no Malice fore thought can be proved, yet it shall be Murder without benefit of Clergy.

If any Magistrate or Officer or any coming to their Aid is killed when he is lawfully executing his Office this is Murder, but if he be not a known Officer, he must then shew his Warrant, if it be demanded, otherwise the killing of such Officer is but Manslaughter.

A Theif who attempts to Rob a true man, kills him when the other is defending himself, this is Murder.

It was adjudged Murder in the Son who carried his Father (being sick and against his will) in cold and frosty weather from place to place, whereof he died, 2 Ed. 3. 19.

A Harlot delivered of a Child, hides it in an Orchard, and covers it with leaves and the Kite struck at it, and the child died thereof, the Mother was executed for Murder, *Crom. 24.*

One hath a Beast that is accustomed to hurt People, the owner knowing thereof, and the Beast kills a man, this is Felony in the owner, *Fitz. Coron. 311.*

If an Officer be authorised to Whip or brand an Offender, and he does it with that extream rigor, that the party dies of it, this is Murder in the Officer.

A man perswades another to kill himself, and be present when he does it, it is Murder.

Two playing at Tables, and fall out in their play, and the one killeth the other suddenly; or a Husband upon words between him and his Wife, took a Pestle and struck her, whereof she died, it hath been adjudged Murder in both cases, for words seem not to be sufficient provocation.

A. wounded B. in fight, and after they met suddenly and fought again, and B. killeth A. this seemeth to be Murder, for it shall be intended to be done upon the former hurt: But if A. had killed B. this seems to be only Manslaughter, for his Malice shall be intended to be appeased by the hurt he first did to B. *Lamb. 217.*

A. discharges a Pistol at B. and throws it down and flies, B. pursues him A. turns back and with a Dagger kills B. this is Murder, *Sr. Franc. Bacon. 4.*

I. S. with an intention to kill his Wife gave her a poysoned Aple, she not knowing of it gave it to her Daughter, who died thereof, this is Murder in the Father, and so it had been, if a stranger had found it accidentally, *Plo. 474. Co. Li. 981.*

A being poysoned drinks to B. and perswades him to drink it, alledging it would do him much good, which he drunk in the absence of A. this was held to be Murder, *Co. 4. 44.* So if one gives to another corrupt Victuals with an intent to Poyson him, and he dies thereof within the year and a day, *Cro. 10.*

But if a man lays Ratsbane to kill Rats without any evil intent and one finds it and poysons himself this is not Murder. *Plow. 474.*

If a Master takes his Servant with him to kill another, the Servant knowing nothing of it, and Assists his Master

and the Person be slain, this is Murder in the Master and but Manslaughter in the Servant.

Rules in Murder.

1. If a man that hath malice to one endeavouring to kill him, killeth another man this is Murder, as if two fight upon malice prepenfed, and a stranger comes to part them be slain, this is Murder in them both.

2. Where a Person is doing of an unlawful Act, and in this Action killeth another, this is Murder.

3. If divers Persons coming in one Company as Considerates to do an unlawful thing, and in doing thereof a man is slain, it is Murder in them all, *Stam. 40. Plow. 98*, nay if they be in the same house or ground, *Crom. 25*.

4. All who are present Aiding and Abetting to do a Murder, are all Murderers, though they do not strike. *1 Co. 9. 67*.

5. In Murder it is not material who gave the first blow, if there be malice prepenfed.

6. In every Homicide it is necessary that the party killed be in *rerum natura*, for if an Infant be killed in his Mothers Womb, this no Felony, neither shall the party forfeit any thing.

7. Compulsion is an excuse, as if a mans Arms be drawn by Compulsion, and by the Weapon in his hands, another man is slain, it is no Felony in him. *Plow. 19. a.*

8. Involuntary ignorance excuses also, as if an Infant not having intelligence, or a man *non sanæ memoriæ*, kill another, it is no Felony.

9. Intent to Commit Murder or Felony is not punishable, unless the Act be done.

Manslaughter.

Manslaughter is the killing of a man willingly upon a sudden heat, yet without malice forethought; as where two fall out upon the sudden, and the one of them breaketh his Weapon, and thereupon a stander by, yet none of the Company lendeth him a Weapon, where with he killeth another this is Manslaughter in them both, *Crom. 16*.

If two Combat together upon a sudden and part, and presently after meet and fight again, and the one killeth the

the other, or the one presently fetcheth a Weapon, and killeth the other therewith, this seemeth but Man-slaughter, for all was done in one continuing fury.

If two that were at enmity, are reconciled, and after fight upon a new occasion and one killeth the other this is but Manslaughter.

If one that is not *Compos mentis* kill a man, this is no Felony, for every Felony must be done *felleo animo*, & *actus non facit reum nisi mens sit rea*, and a Madman is *amens* *id est sine mente*.

There are three sorts of Persons in Law which are not *Compos mentis*. 1. a natural fool, who is so from his Birth. 2. who was once of sound Memory, and after (by accident) loseth his Memory. 3. A Lunatick which is sometimes of sound understanding, and sometimes, *non Compos mentis*.

Note, That if a Madman be procured to kill another, yet it is Felony in the procurer though the Madman cannot be charged with the Crime.

An Infant of eight years of age may be punished for a Felony, if it appear by any Circumstances that he did discern between the good and the evil of what he had done.

A Dumb-man may Commit Felony, *Plew. 19.* but not one that is Deaf and Dumb, *Fitz. Coron. 193. Stam. 16.* otherwise of him that was not born so *V. Bro. Coron. 101. and 217.*

Chancemedly.

The killing of a man by misfortune, or misadventure only, shall not be adjudged Murder by the Statute.

Homicide by misadventure, is when a man doing of a lawful Act, and without any evil intent hapeneth to kill a man; as if a School-master, Parent or Master Correct his Scholer, Child or Servant, in a moderate and reasonable manner, and any of them dye thereof, so if one Shooting at Butts, &c. by chance kill a Person standing or passing by; also if a Carpenter, Mason, &c. (giving notice thereof) throws down a Stone, &c. and killeth a man, &c.

If by the Kings Command two men fight at Barriers &c. and one killeth the other, this is no Felony in death, *Hob.* 134.

If by chance a Person be killed by one in doing of an unlawful Act, though with no evil intent, it is Felony, *viz.* Manslaughter at least, if no Murder, *Stamp.* 162. As shooting of Arrows, or casting of Stones into a High-way, or some other place, where men usually pass or resort.

Casual death.

Casual death, is when a man is killed by the fall of a House, Pit, or Tree, &c. upon him, or be killed by a Bull, Bear, &c. or by some fall which he himself taketh.

In these Cases observe these following Rules.

First, If a man so slain, come to his death by the means, procurement, or willful default of another, this is Felony in the Person procuring, &c.

Secondly, Any thing that is the cause of such accidental death, shall be forfeited to the King, and in Law is called a *deodand*, and is to be prized, the price whereof shall be distributed in Alms to the Poor by the Kings Almoner.

Thirdly, The forfeiture shall have relation from the time of the stroke given, &c. So if the Proprietor thereof sell it to another, such sale shall not take away the Kings Title, *Flow.* 260.

Fourthly, *Deodands* are not forfeited until found by matter of Record, *Co. Lit.* 5. 110.

Fifthly, The Jury finding the death, must also find and Appraise the *Deodand*, and the Sheriff is charged with the price thereof, and is to levy the same upon the Town, where such death happeneth, although it were never committed to the Town to keep, *Co. lib.* 4. 10. *Fitz. Chron.* 290. *Stamp.* 121.

Sixthly, It seemeth that if any Person under the Age of fourteen years be so slain, nothing shall be forfeited to the King, as a *Deodand*, *Fitz. Coron.* 303. *Stamp.* 21.

If any man be found in the fields, and no Person know him, his Apparrel and Money about him, shall be given to the Poor, &c. and if known then his Goods shall

be delivered to his Executors or Administrators, or to the Ordinary, and they are not to be reputed *Deodands*, they being not the cause of his death.

As for *Deodands* the antient Rule is *Omnia que movent ad mortem sunt deodanda*, and yet in some cases there may be a *Deodand*, though the thing it self moves not, as if one fall from a Ship, Cart, Mow of Corn, or Hay, so that any Goods that are the occasion of the death of a man by misadventure is a *Deodand*, *Co. Lit. 5. 110. Dy. 77. Fitz. Coron. 314. 326. 341. 342. 344. 348. 389. 398. 401. 409.*

If a man kill another with my Sword, &c. the Sword shall be forfeited as a *Deodand*, *Dr. and Stud. fo. 156.*

The Coroner is the proper Officer to enquire of such casual death, &c. must be *super visum Corporis*.

Homicide upon necessity, or *Se defendendo*.

If an Officer or other Person thereto lawfully deputed, does execute a Judgment or Sentence of Death according to his Warrant upon any Person attainted such act in the Officer, &c. is neither of the nature of Murder or Homicide, for it is but the lawful Execution of Justice, but in this case the Officer must be sure to pursue his Warrant, for if an Offender be adjudged to be hanged, and the Sheriff or other Officer, &c. behead him, &c. this is Felony in such Officer, &c. *Co. lib. 7. 14.*

If a stranger without any Warrant put to death any Offender Condemned to dye, this is Felony, *Co. lib. 7. 14. Stamp. 15.* The Judge that passeth such Sentence cannot justifie to Execute himself in Person.

If Justices of Peace shall Arraign a man of Treason, at the Sessions, and Condemn him, and is thereupon Executed, this is Felony, as well in the Justices as in the Sheriff, or other Officer, who shall put him to death in pursuance of such Judgement, for the Justice had no power to try such Offender, and so what they did was *coram non judice*, *Co. lib. 10. f. 76.*

If Justices of Peace Arraign a man of Felony upon an Indictment of Trespas, and thereupon hang him, this is Felony in the Justices, but not in in the Officer, that Executed such Judgment, for in this case the Justices had

Jurisdiction of the Cause, though they proceeded erroneously and therefore the Officer is excusable, *Co. lib. 13. 76.*

If a Theif, or any other Person, having a lawful Warrant to Apprehend a man Indicted of Felony, may justify the killing of him, in case he will not yeild, or suffer himself to be Arrested, and that he can not otherwise be taken, *22 Aff. 55 Fitz. Coron. 288. 328.*

Every Person whatsoever, may without any Warrant Apprehend a Felon upon Hue and Cry, or otherwise, and in case of resistance or flight, the pursuer may justify the killing of him, *Fitz. Coron. 288. Co. lib. 5. 109.*

If a Person be led towards the Gaol, and makes his Escape, &c. the Persons that had him in charge, may kill him if they cannot otherwise take him, *Fitz. Coron. 288. 328.*

If a Prisoner in the Gaol Attempts to Escape, or break the Prison, if the Gaoler kill him, this is no Felony, *22 Aff. 35.*

Rioters or such as make a forceable Entry or detainee, make resistance and not yeild themselves to the Justice of Peace, or other the Kings Officers, if any such Offenders be killed, this is no Felony, *Cro. 24. 30. 158.*

If the Sheriff, &c. cometh (by Virtue of the Kings Writ) to Arrest a man for Rent, Trespass, &c. who maketh resistance, and is killed by the Sheriff, or any in his Company, this is no Felony, *Stamp. Prerog. fo. 46. Cro. 24. 30. Doctor and Stud. 133. Stam. 13.*

Note, In all these former cases there must be an inevitable necessity, *viz.* if there was no possibility of taking the Offender without killing of him. In an Appeal of Felony, if the Appellant and Appellee do joyn to try it by Battle, and the one killeth the other, such killing is no Offence against the Law, *37 H. 6. 21.* So it is of Champions in Tryal upon a Writ of Right, *Plom. fo. 9.*

There are three sorts of necessities, 1. A conservation of Life. 2. Of obedience, as where the Wife stealeth with her Husband. 3. Of the Act of God or a Stranger.

Note, Necessity in case of Homicide, privilegedgeth only when it is inevitable.

In cases of Theft only, *quoad jura privata sed non valet contra rem publicam*, *Bac.* 32.

To kill another in the necessary defence of his Person, his Possessions, his Goods, or some other Persons which he is obliged to protect from danger, and which can not otherwise escape, this is Homicide allowable, being grounded upon necessity.

To kill one attempting Feloniously to Murder, or Rob me in my dwelling-house or in or near any High-way, Cart-way, Horse-way, or Foot-way, or Feloniously attempts to break my dwelling house in the Night, I my Servants, or Company, whom the said Offenders shall attempt to Rob or Murder, or any Person in my dwelling house, may Justify to kill, them, &c. 23 *H.* 8. 5. *Rob.* 96. *Fitz.* *Coron.* 5. 19. 11.

In these cases there is no forfeiture nor need of any pardon.

If one comes to burn my house, I or any of my Servants may shoot at them out of the house, or may Issue forth upon them, and kill them, for such intent of theirs is Felonious, 20 *Aff.* 22 *Bro.* *Car.* 100.

If a woman kill a Person that attempts to Ravish her this is justifiable, *Ba.* 34.

If divers be in danger of drowning by Shipwreck, or otherwise, and some of them get upon a Plank, &c. and another to save his Life, thrusts them from it, whereby they are drowned, this is justifiable.

A Felon escaping out of Prison, the Gaoler pursuing him, upon resistance, or refusal to yeild may kill him, but otherwise if in Prison only for Debt, *Rolls Rep. second part* 187.

If a man forceably obtains and keeps Possession of my house, and I come in the Night and fire the house, they within cannot justify to shoot or kill me, or any of my Company; for that they in the house were there unlawfully, *Crompt.* 26.

If one (in the day time) entereth into my house, and there assault and beat me, and I kill him in defence of my Person, yet I shall forfeit my Goods, and must have the Kings Pardon, without it be so found that he came there with a Felonious intent to Rob and Murder me, *Fitz.* *Coron.* 305. *Co. lib.* 5. 91.

If

If one cometh by day or by night, to enter into my house, pretending Title thereunto, and puts me out of Possession, and I kill him, this is Manlaughter in me as it seems.

If one kill a true man in defence of his Person, it must be upon such inevitable necessity, as that he could not otherwise escape without being killed, maimed or wounded, and notwithstanding he kill him upon such necessity, yet he shall forfeit his Goods and Chattels, and is to have his Pardon of course for his Life and Lands, *Fitz. Cor.* 116. *Co. lib.* 5. 91.

If A. make Affray upon B. and B. before he flys gives A. divers wounds, and then flys to a streight, and A. pursues him, and there B. gives him his Mortal wound, this is Homicide in his own defence, *Fitz. Coron.* 284. and 286. *Stam.* 15. But if B. upon Malice prepenſed had given A. the first stroke, and then B. flyeth to a streight or Wall, and A. pursueth him, and striketh him, and B. killeth A. thereupon this is Murder in B. for the malice prepenſed was the ground and original of it, *Fitz. Coron.* 387. 2228. Yet notwithstanding that there had been former malice betwixt them, and both meet suddenly, and A. assaults B. who before any stroke by him given, flyeth as far as he can, and A. pursues him, then B. kills him, this seemeth to be Homicide in his own defence, notwithstanding the precedent malice. ¶ A. and B. (there being a former malice between them) meet accidentally in London street, A. tells B. that he would fight with him, B. answers that he had nothing to say to him, and thereupon goes to the Wall, A. assaults him, then B. strikes and kills him, yet being found that A. began the Affray, B. was discharged without forfeiting any thing, but that was by force of the Statute, 24 H. 8. cap. 5. 15 Eliz. *Crom. 77. Capstons case.*

If a Thief assault me either to Rob or kill me, I am not bound to fly to a Wall, no more is any Officer of Justice in the Executing of his Office, *Stam.* 14 *Co. lib.* 9. 98.

A Servant may justify the killing of another in defence of his Masters Person or House, if the hurt cannot otherwise be avoided, *Bro. Cor.* 63. So he may kill one that robbed and killed his Master, so that it be done presently, 21 H. 7. 39.

I may

I may Justify the beating of another in the defence of the Possession of my Goods, but cannot kill him, unless he be a Theif that would have taken them from me.

In case of *Se defendendo*, there must be *extrema necessitas*, for a man flying sees a place, beyond which he cannot go, or before he comes there kills his pursuer, this is Justifiable, for he must go to the utmost place before he strike, *H. 159.*

If a Park-keeper, &c. kill an Offender in his Park, &c. after Hue and Cry leyed, and not yeilded to it, is no Felony, *Crom. 30.*

The Law is so, where a Person is slain who disobeyeth an Arrest, which is in Execution of Justice, or by an Officer in keeping of the Peace.

CHAP. LIV.

Of Horses.

VV Here Stolen Horses, &c. are sold in open Fair any Justice within six Months may hear and determin the Claim of the Owner, &c. 31 *Eliz. cap. 3.*

In all Fairs, &c. where Horses, &c. are to be sold; A. certain place shall be appointed for the same yearly, also a sufficient Person to take Toll, who shall continue in the place from the hour of ten in the Forenoon till Sun setting. And note; the sale of every Horse sold contrary to the Statute, 23 *Ma. cap. 7.* Which Provides,

1. That every Horse be in the Fair at least one hour between ten a Clock, and Sun setting.
2. That all Partys to the bargain shall come with the Horse to the Book-keeper, &c.
3. That the Book-keeper, &c. shall take knowledge of the Christian Name, Sir Name, Mistry, and place, both of the Seller and buyer, and Register the same together with some especial mark and price of the Horse and subscribe the same,

4. That

4. That Toll shall be paid where due, and the Book-keeper such his Entry.

If a Thief shall sell a Horse in the Market, &c. by a false token, and Register the same, if the buyer know the Horse was stolen, or if the Horse be sold on the Sabbath. In all these cases the sale is void.

No Commoner in any Forrest, Moor, &c. in the County of Norfolk, &c. shall put to Common any Stone Horses under the height of fifteen handfulls, upon pain of forfeiture of such Horses, 32 H. 8. cap. 13. 8 Eliz. cap. 8. 21 Jac. cap. 28.

If a Person find such Horse therein, he shall go to the keeper of the Forrest, &c. or to the Constable, &c. Commanding them to bring the Horse to the Pound, thereto be measured, &c.

Justices and Stewards of Leets, shall enquire of the Omissions against that Act, and certify the Presentments to the next Sessions, or to the *Custos Rotulorum* within forty days; And the Justices shall determine the same; if the Steward do not certify, &c. the Presentment, he shall forfeit forty shillings to the King and Informer.

It is lawful for any Person to Transport Horses and Mares to any part beyond the Seas paying for such Horse the sum of five shillings only, 22 Car. 2. cap. 13.

CHAP. LV.

Of Houses of Correction.

Justices at the Quarter Sessions may make Order for the Erecting Houses of Correction, 39 Eliz. cap. 4.

All Fines by the Act except, &c. shall be employed for the Reparation of Houses of Correction, *Ibid.*

The Lord Chancellor, may grant his Commission to enquire of Moneys Collected for the maintenance of Houses of Correction. *Ibid.* This Statute is Continued by, 3 Car. 1. cap. 3. 7 Car. 1. cap. 4.

Any

Any Person seized in Fee Simple, may by Deed inrolled in *Chancery*, erect an Hospital-house of Correction, &c. 39 *Eliq. cap. 5. 2. Institutes. 700. and 20. 21 Fac. cap. 1.*

A House of Correction shall be Provided (in every County where there is not one already) by the Justices of Peace, &c. or forfeit five pounds to be employed for the Erecting, &c. of such House, 7 *Fac. cap. 4.*

The Sessions may appoint Governours of Houses of Correction who shall have Power to set to work Vagabonds, &c. *Ibid.*

Justices may appoint a yearly allowance to such Governors, to be paid quarterly by the Treasurer, appointed by, 43 *Eliq. cap. 2. Ibid. 2. Institutes. 700. 228.*

If such Governours shall not give a true Account, &c. to every Quarter Sessions. The Justices may there fine him at their discretion, *Ibid.*

CHAP. LVI.

Of Huy and Cry.

THE words signifie a Pursuit of such as have Committed Felony and fly for the same, and this every Justice may cause to be levied, when any Murder, &c. is Committed, *See. 13 Ed. 1. cap. 1.*

Any Person in the Company of one Murdered or Robbed, may forthwith repair to the next Constable, &c. and give notice thereof, and cause him to raise Huy and Cry after the Felon.

All Huy and Cry must be made immediatly after notice, from Town to Town, from County to County, and by Horse-men, and Foot-men, 28 *Ed. 3. cap. 11, 1 Ed. 1. cap. 12. 27 Eliq. cap. 31.*

The Officer of the Town where Huy and Cry is levied, ought to send the same in Writing to every Town round about, with a discription of the Felon, &c.

All Officers where Huy and Cry shall come, must search

search all suspected Places and seise all suspected Persons, and carry them to some Justice to be examined.

CHAP. LVII:

Of hunting.

A Justice where there is unlawful Hunting by night, and with disguises in any Forrest, &c. may upon information of any Person suspected convene him before him, and examin him of that Hunting, &c. and if he conceal the same, such concealment shall be Felony; If he confess the Offence, it shall be but Trespass, &c. Also the disobeying such a Warrant or making Rescous, &c. is Felony, 1 H. 8. cap. 7. If he do not confess, he may be bound to the good behaviour, least he make his Escape.

Any Person which shall enter into any Park, &c. to Hunt, &c. shall be imprisoned eight Months, pay treble damages, and be bound with Suretys to the good behaviour for seven years or continue in Prison seven years, 5 Eliz. cap. 21.

Justices in their Sessions may determine the Offence of Hunting, &c. against the Statute, *Ibid.*

Also the Party greived upon satisfaction, &c. may release the Surety-ship at any time, See 3 Jac. cap. 13. which continues the former Statute to all Parks made before that time, and as to Hunt, &c. by Night.

If any kill Hares in the Snow, they shall forfeit five shillings and eight pence, 14 H. 8. cap. 10. See Cap. 1. cap. 10.

One Justice may by Warrant, &c. Authorize any Game-keeper (at the appointment) of any Lord of a Manor, not being of the degree of an Esquire, to search the Houses, &c. of Persons suspected to keep Guns, &c. 22, 23 Car. 2.

If any Person shall chase, &c. any Conys, he shall pay treble damages, and be in Prison three Months till he find Suretys, &c.

If any Person in the night shall kill, &c. any Conys upon the Borders of any Warren, &c. without leave of the Owner he shall make him such satisfaction, &c. as shall be appointed by such Justice, before whom he shall be Convicted, and also pay to the Poor, &c. as the Justice shall order, *ibid.*

If any Person shall be found Setting any Hare-pipes, &c. he shall be Convicted and punished, *ut supra*, and may Appeal from such Justice to the next Quarter Sessions, where the Judgement shall be finable, *ibid.*

No Person having a Park, &c. may keep Deer Hares, &c. on pain to forfeit forty pounds, *per mensem*, 19 H. 7. cap. 11.

No Person shall stalk with Bush or Beast any Deer, &c. without leave of the Owner, &c. on forfeiture every time of forty pounds. And two Justices may examine and Commit upon this Statute, and have the tenth of the forfeiture for their labour.

CHAP. LVIII.

Of Indictments.

AN Indictment is the Kings Bill, or Declaration in form of Law by way of Accusation against one or more for some Offence, either Criminal or Penal, and prefer'd unto Jurors, and by their Verdict found Presented be true, before a Judge or Officer, who hath Power to punish, or certify the Offence.

Indictment, or rather Enditement, is derived from the French word, *Enditer*, which is to set a man out as he is. But Mr. Lambert, is of opinion that the word is derived of the Greek *Ενδείκνυμι*. I accuse, it signifies in Law an Accusation by an Inquest of twelve or more upon their Oath, and in Latin is called *Indictamentum*, Co. Lit. 126. 6.

126. 6. A Presentment is a Declaration of the Jurors without any Bill offered before them, But an Indictment is grounded upon the Accusation of a third Person.

Care must be had that Indictments be carefully drawn, both for the matter and the form, to which end,

In all Indictments of Felony or Trespass, it is good to say against the Peace, or words *Tantamount*.

These words with Force and Armes, to wit, with Swords, &c. are not always necessary, yet it is good to use them, (especially if the Fact require it) because such Circumstances do aggravate or diminish the Offence, *Lamb. 6. 484. Stamp. 94. 17 H. 8. cap. 8.* But in an Indictment of Forceable Entry they are needless, because the word force implies as much.

In all Indictments for Treason, Murder, Felony, or Trespass, the words (with Force and Armes) are necessary, Otherwise of Offences against the Peace only, as Conspiracys, Slanders, Deceits, Escapes for Debt, &c. In Indictment upon Statutes, it is not needful nor safe to recite the Statute, for the mis-recital in the Matter, Year, Day, or Place, is fatal. But it is safe to conclude it thus, *Sc.* against the form of the Statute in such Case made and provided, Or of many Statutes, &c. where there are many Statutes that concern the Offence, *Co. 4. 48. 84. Dy. 363. Cramp. 104.*

Though the Statute need not be recited, yet the substance and material words of it, must be fully set down, *Plowd. 1. and 79. Co. Litt. 98. 9. Look. Lamb. 485.*

Indictments being in the nature of Declarations for the King must contain certainty, for they cannot be supplied by Intendment, *Co. 5. 120. Plow. 84. 122.* And therefore these things are requisite in them.

1. The names and Surnames both of the Partys Indicted, and Offended with the Addition of the degree, Mystery, and dwelling place, (both Town and County) of the Person Indicted, if it possible; but an Indictment against unknown Persons, Or taking the Goods of a Person unknown, &c. may be good, *Bro. Indict. 6. 10. 11. Dy. 99. Plowd. 85, 6. Lamb. 478. 476.*

2. The time, *Sc.* the day and year, when the Offence was done.

3. The

3. The Place *Sc.* the Town and County where it was done as at C. in the County of S.

4. The Name or Quality of the things in which the Offence is done, *Sc.* of dead things, it may be Goods and Chattles, expressing them in certainty; of living things, Horse, Ox, &c. but not Goods and Chattles, of Entry, &c. to express whether it be House, Land, Meadow, &c.

5. The value or price of the thing is to be set down to aggravate the Fault.

6. The manner of the Fact, and nature of the Offence, Robbery, Trespass, &c. See. *Bro. Indict.* 7 and 36 *Lamb.*

The Jury are not so strictly tied to the form of Indictments as to the manner of Fact. But they ought to be sworn so far as may be to the truth, because they are sworn unto by the Jury, *Co.* 9. 119. *Plowd.*

False *Latin* shall not vitiate the Indictment, *Co.* 5,

Note, That words of Art (allowed by the Sages of the Law as *Mesfuagium Tauftrum* &c. though not by the Lawyers) ought to be used; for all Sciences have their *Vocabula Artis*.

But false writing or incongruous *Latin*, *Yginti* for *quinti*, *prefato* for *præfato*, &c. though they should not be used, yet they will not make void an Indictment or Deed.

Yet words insensible, especially words of Art falsely written, as *Murdredum*, for *Murdrum*, *Burgariter*, for *burglariter*, *Feloniter* for *Felonice*, &c. (being not *Latin* words nor words of Art) will void an Indictment, except they be Surplusage, *Co.* 4. 39, 42, and 10. 133 *Quere*, they be amendable.

CHAP. LIX.

Of Information.

THERE are two sorts of Informers, taken of both by the Common and Civil Law, *volumarius*, which is not so creditable as need Secondly. *Necessarius qui inotius facit propter officium*, such are the Kings Atturney, and Clerk of the Crown in the Kings Bench, and these are *honorarij* Laws have been made for the regulating of Com Informers, by which provision is made.

1. That every Informer shall exhibite his Information in Person, or by Atturney, and not by Deputy, *cap. 5.*

2. None shall pursue upon any Penal Statute by Original Action or Information and not otherwise.

3. Upon every Information, note shall be made of Day, Month, and Year, of Exhibiting thereof, and to be Antedating, and to be accounted of Record from time and not before.

4. Until the Information be exhibited in form and had no Process shall Issue, and upon such Process, the name of the Prosecutor, as of the Statute where he proceeds shall be Indorsed.

5. The Clerk which doth contraryways, shall forfeit forty shillings to the Queen and Party Prosecuted.

6. No Informer shall agree with the Offender out the Courts leave.

7. All Persons except Clerks in Court offending against this Act (being thereof convicted) shall stand four hours in the Pillory in the next Market, and be taken to be an Informer, and forfeit ten pounds to the Crown and Party grieved.

8. If any Informer delay his Suit, discontinue, be sued, or if a Verdict and Judgment pass against him, shall pay Costs to the Defendant,

But this Act shall not extend,

1. To Officers of Record who have used to Exhibit Informations.

2. Nor to Informations on the Statutes of Maintenance, Champerty, buying Titles, or Embracery, as to the Partys grieved.

3. Nor to Persons to whom any Forfeitures is given in certainty.

The Sessions may hear and determin Offences against this Act, which is made perpetual by Statute, 27 Eliz. 10.

No man shall be an Informer at, or in any of the Kings Courts, that is disabled for any Misdemeanor, 31 Eliz. 5.

A County must be alleaged, for it is traverfable by the Defendant, except in Champerty, and Offences against the, 1 Eliz. 11. and, 1 Eliz. 20. For Tonnage and Poundage, Usury, Regrating, Forestralling, or Ingrossing, where the Penalty exceeds twenty pounds every suit for an Offence, the Forfeiture whereof is given only to the King, shall be brought within two years after the Offence. And where the Forfeiture is given to the King, and another within one Year, Except on the Statutes of Tallage, by the Party that will Sue, or in his default within two years after by the Queen.

All suits for using unlawful Games or for using a Trade, without having been an Apprentice shall be determined only in the Sessions or Assises of the County.

If the Defendant in a Popular Action Plead a Recovery in bar, the Plaintiff may aver that it was by Covin, and if it be found the Plaintiff shall have Judgment and the Defendant be Imprisoned for two years, and a release of the Party shall not avail him, 4 H. 7. 20.

Every Informer upon Penal Statutes before Justices of Assises, &c. or at the Sessions shall try his suit of Action, Bill, Plaint, Information or Indictment before the Justices of Assises, or of the Peace of that County, City or Town Corporate at his Election and not elsewhere, 21 Jac. 4.

The Procefs shall be Awarded as is usual in Actions of *vi & armis*, at the Common Law, *Ibid.*

Except against such as shall not frequent the Church, for Champerty, &c. for Transporting of Gold, Silver, Ordnance,

Ordnance, Powder, Shot, Munition Wooll, Woolfel, Leather, &c. *Ibid.*

No Officer shall file any Information, &c. on a Penal Statute which by the same is to be tryed in the proper County, till the Informer make Oath that the Offence was not Committed in any other County, then where it lays it, *Ibid.*

The Defendant to any Information, &c. may Plead the General Issue, and give the special matter in evidence, *Ibid.*

Touching Informations observe,

1. That the same Person cannot Exhibit two Informations though in several Courts. And the Defendant may Plead the first in Bar to the second, *Hob. 209.*

2. If two Informers Exhibit Informations against the same Person for the same Offence on the same day both are void, *Hob. 228.*

3. Informations, &c. on Penal Statutes are *ex officio*, and excepted out of all Statutes of Jeofailes.

4. The Statute of the 21 Jac. 4. doth not give any Jurisdiction to our Justices where they had none before, *See Cro. Car. Farringtons Case and Good Case.*

5. The party greived may bring his Information, &c. in any County for the Statute of 31 Eliz. 5. except not to him *Cro Eliz. 645. Allens Case.*

6. If jurisdiction be given to the Sessions they may try by Indictment, and not by Information, except where expressly given them by the Statute, *Fones Rep. 133.*

7. Where the suit is given to the Kings Courts of Record, or to any Court of Record, it is intended to the Courts at Westminster, *Fones. Rep. 193.*

8. In an Information *tam, quam*, if the Informer may or do not Prosecute, yet the Attorney General may Prosecute for the King. So likewise the Informer may Proceed notwithstanding a *Nolle prosequi*, for the King, *3, Institutes cap. Informer. Inn-holders See. cap. 1. houses.*

CHAP. LX.

Of Judgment.

FOR the Judgment in Treason and Petty Treason, the Justices are not to meddle therewith, and whosoever is minded to Search the same may look into, *Stamp. Lib. 3. cap. 19. and My Lord Cokes Pleas of the Crown.*

In case of Felony, the Judgment is, you shall be carried back to the Prison from whence you came, and from thence be had to the place of Execution, and there be hanged by the Neck till you be dead ; And the Lord have mercy upon your Soul.

In cases of Petty *Larceny*, the Justices may Award the Party to be Whipped at the Carts Tail, for whipping Post or whipping is now become the usual punishment, though formerly it was punished by the Pillory, Cutting of the Ears, &c. *Co. 4. Inst. 218.*

By many Statutes, peculiar punishments are appointed for divers Offences : And in these cases no room is left for the Justices Discretion ; For if the King cannot alter the Execution ; much less an Inferior Court. And therefore the Course in some Countys to admit a Party indicted on a Penal Statute, to submit with a protestation, not Guilty, and thereupon to mitigate the Penalty, is not warrantable.

If a woman be Convicted of taking Goods above the value of twelve pence and under ten shillings, or as Accessory to such Offence for which a man might have his Clergy, she shall for the first Offence be Marked upon the brawn of the left Thumb, with a burning Iron with a T. in open Court, and be further punished by whipping, &c. or by being Imprisoned not exceeding one Year, as the Court shall think fit, *21 Fac. 6.*

But if she Offend the second time, she is to have Judgment of death, as she was to have had at Common Law.

CHAP. LXI.

Jurors and Challenges.

THIS way of Tryal was contemporary with the Foundations of our Government, and hath continued ever since under all the Revolutions of times. *Ad questionem juris respondent iudices, ad questionem facti respondent Juratores.* This is so great a Birthright, that every Subject which refuseth it, is to be punished with *Paine, Fort & dure.*

In matters of Crime and Forfeiture, every *Englishman* is to pass, a double Jury before he be condemned.

Jurors are returned by the Sheriff by virtue of a Precept to that purpose, against which at Common Law, both King and Subject had two Lawful Challenges Peremptory and upon cause shewed.

It is Provided by the 33 *Ed. 1.* that in case of Replevy, the King shall not Challenge Peremptorily, but must shew cause which shall be Tryed, and if not found sufficient rejected.

Yet the Peremptory challenge remaineth for the Party, but it is abridged by the 32 *H. 8. cap. 30.* for whereas at Common Law he might have challenged thirty five, without cause shewed, it is now reduced to twenty, and if he challenge beyond that number it is a waving his Tryal. But he may challenge as many as he please for cause shewn which shall be Tryed as before.

If any Juror be returned at the Nomination of any other then the Sheriff or his Bailiff Sworn, the Indictment is void, by *Stat. 11 H. 4. 9.* Every Juror ought to be *liber & legalis homo, liber i. e.* not a Villain, *legalis*, not Attainted or Outlawed in a Personal Action for this seemes to be a cause to set aside the Indictment, *Fones. Rep. 196.*

Jury-men likewise ought to be sufficient & *Respectu con-*
sus

jur, every one must have forty shillings Freehold *Per annum*, but if he be not challenged the Tryal is good.
 2. *Respectu rationis*, no Idiot, Lunatick, &c. See now the Stat. 23. H. 8. 13. Every Subject having the clear value of forty pounds, except Knights and Esquires, may serve in such Jurys.

Foreigners are to have a peculiar way of Tryal, *de medietate lingue*, six English and six Foreigners, if there be so many in the place, if not as many as may be found there, and these may be of any Nation, but the Party must Pray such Jury. Note, Persons calling themselves *Egyptians*, are ousted of this benefit, by 1 and 2. P. M. 5. 4.

It is a good Challenge to a Juror that he was one of the Partys Indictors for he shall not presume to change his minde, See Stat. 25. Ed. 3. 3.

See more fully for cause of Challenge in Criminal matters, Stamp. Lib. 5. 7. and Cok. 1. Inst. f. 126.

Justices of Peace may enquire of Concealment by former Jurys, punish them by Amercement 13. H. 1. cap. 1.

Touching which Matter Consider,

1. The Matters which they may be punished for, the Concealment of, must be such as may be presented before the Justices.

2. The Concealments of Inquest taken before Justices out of Sessions, or before Coroners, or in Leets, or in the Sheriffs Turn, may be enquired of before them in the Sessions.

3. Every Juror which shall enquire of such Concealments must have forty shillings Freehold *per annum*.

4. Such enquiring must be of Concealments by former Jurys of matters presented before them or Bills.

5. Such enquiry must be made within the year after such Concealment.

6. The Amercement must be reasonable although it be directed to be by discretion, See. F. N. B. 175. in the Writ *de moderata miserecordia*.

7. The inquest ought to consist of as many or more, as the first Inquest did.

8. Notwithstanding any Complaint, yet the Justices may take or refuse such Inquest as they see Cause.

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9. Such

9. Such Amercement must be set in full Sessions.

The Jury upon any Issue (if they doubt of the Law) may give a Special Verdict, and this by the Common Law, before *West. 2. cap. 3. See Co. 2 Inst. 425.* Every Juror between party and party in the Courts at *Westminster*, at the Assises, &c. *Oyer and Terminer* or General or Quarter Sessions of the Peace shall have in his own right or interest for him within the same County twenty pounds *per annum* Freehold above reprises, and if he have not so much it shall be a just cause of Challenge, *Stat. 16. and 17. Car. 2 cap. 3.* But this Statute is Expired.

CHAP. LXII.

Larceny.

L Arceny is derived from the *Latin* word *Latrocinium*, which signifies properly a Fraudulent and Felonious taking away of another mans personal Goods removed from his Person and against his will.

This differs it from Robbery, which is always the taking of something from the Person, Larceny is twofold, either Grand Larceny, when Goods are Stollen which be above the value of twelve pence, and this is Felony of death, except the Offender be favored by his Clergy.

If the Goods be of the value of ten shillings or more, yet if the Jury finds that they exceed not the value of twelve pence it shall not be adjudged Grand Larceny.

Petty-larceny is, when the Goods Stollen, exceeds not the value of twelve pence, the punishment of this Offence is imprisonment for a time, and then to be whipped.

Though this be not Felony of death, yet the taking is Felonious, and accordingly the Indictment must be *quod Felonice cepit*, and the Party shall forfeit all his Goods and Chattles.

This Offence, as to some matters, is but in the nature of a Trespass, and the Procurers, Receivers &c. are

no Accessorys, yet they may be sent to the house of Correction or otherwise Punished.

If a Person steal Goods to the value of four Pence at one time, of six pence at another time, and after that again of other Goods to the value of three pence and all these from one man, they may be put together in one Indictment, and the Party shall have Judgement of Felony, *Fitz. Coron. 415. Stam. 24. Cro. 36.*

If two or more together steal Goods above the value of twelve pence, it is Felony of death in them all and that severally though the taking be joynt, *Fitz. Coron. 404. Stam. 24.*

In both these sorts of Larceny, two things must concur, *sc.* the taking and removing of the goods, with an intent to steal them, and the Indictment is *cepit et asportavit*, or *cepit et abduxit*.

Yet in some cases where the goods are delivered, yet the stealing of them may make it Felony.

As if a Taverner set a Plate before his Guest to drink in and he carry it away, for he gave not the possession but the use of it, *13 Ed. 4. f. 9. Samp. 25.*

So it is, if I deliver goods to a Carrier, &c. to carry to a place appointed, which he doth, and taketh them thence fraudulently for the Bailment was determined, So if he take a parcel of the goods, or carry them to another place and there conceals them. But it is held by some, that if he do not break open the goods it is no Felony, for the Property is not altered.

If A. lends his Horse to B. who rides away with him, it is no Felony because of the delivery.

If a Clothier deliver Wooll, &c. to his Spinster, &c. to be wrought, who carries it away, it is no Felony, but punishable by whipping, *7 Jac. cap. 7.*

If I give Money to my Servant to keep, my Horse to my Groom, my Sheep to my Shepheard, and they run away with them, this is Felony at Common Law, for they had not the Possession but the use of them.

By the Statute 21 H. 8. cap. 7. which is made perpetual by the 5 Eliz. cap. 10.

If any Servant of the age of eighteen years, not being an Apprentice, to whom Money, Goods, &c. of the value of forty shillings or more, shall be delivered him by his Master, to be kept for him, shall imbezle or convert

convert the same, it is Felony, so as the Party be Prosecuted within the year.

If a Master deliver to his Servant a Bond to receive the Money upon it, or Goods to be sold for him, which he does, and imbezels the Money, it is no Felony within the Statute, because the Money was not delivered him by his Master, *Dy. f. 5.*

But if the Servant receive twenty pounds in Gold which he Exchangeth for Silver and runs away with it, it is Felony by this Statute.

The second thing required in Larceny, is the taking away, or at least removing of the goods with a Felonious intent.

As if the Guest take the Sheets, &c. out of his Chamber, and then goeth for his Horse, or if one take a Horse in the Owners Close, with an intent to steal, and be apprehended before he hath taken him out of the Field, *Lamb. 77. Crompt. 36.*

If a Person steal a Tree or other thing, which is part of the Freehold, or any thing that is *fera natura*, and is not reclaimed, it is no Felony; but the taking of a Tree, &c. which is severed from the Freehold, or a Deer, &c. which is made tame, is Felony.

Young Pigeons in a Dove-house, and Fish in a Trunk, or old Pigeons taken out of a Dove-house is Felony at Common Law.

It is Felony to take any Swans marked though at large, So it is to take young Hawks or Herns out of their Nest, *Co. Lit. 7. fo 16.*

It is no Felony by the Statute, 1 *H. 7. cap. 7.* to steal or conceal a Hawk, &c. Such things as are *fera natura*, whilst they are in the Possession of any Person who hath a qualified property in them, if they be taken away it is Felony, but it is not so if they be out of his Possession, but if any Hawk be flying at a Fowl, or my Deer be hunted by my Dogs, and my Servant be with them, they are in my Possession, and it is Felony to steal them.

Larceny cannot be committed by taking any Dogs, Parrets, Squirrels, singing Birds, &c. though reclaimed, because they are but matters of pleasure, *Lamb. 270.*

Flesh of Wild-beast or Fowl killed, if it be stolen, it is Felony, though it be not taken from the possession of any man; Soit is to pluck the Wooll off the Sheeps back and carry it away.

To take Lead off a House or Church, to take the Deeds of a mans Lands, or any Specialty, or other Writing though in a Box is not Felony, for these are part of the Freehold, or of the nature thereof, *Co. Lit. S. 33.*

Where there is a certain Owner of Goods, though the Owner be not known, yet it is Felony to steal them, and therefore an Indictment for stealing, *bona cujusdam hominis ignoti* or *bona parochianorum*, &c. is good, *Cro. Car. 25. Dy. 99.*

But where it is uncertain, who can be the Owner and have the general property of Goods there that is no Theft to take them away; as Treasure Trove, Wreck-goods, waived or Estrays, *Stamp. 25. Bro. Coron. 176.*

The stealing of a Winding-sheet from a dead Carcass was held to be but a Misdemeanor only, and the Offender was Whipped for it, at *Cambridge Assizes. 1617.*

Note, a man may Commit Felony by taking his own goods, as if A. lends goods to B. to keep, and after takes them away with an intent to charge B. this is Felony in A. though the property was in him; *Bro. Coron. 147. Stam. 26.*

If a Feme Covert steal by constraint of her Husband it is no Felony in her, *Fitz. Coron. 160. 199. Bro. Coron. 180.* Otherwise where she does by his command without compulsion, *Stam. 142. 26, 27.*

If the Husband and Wife steal Goods joyntly, this is Felony in the Husband only, *Stam. 26. Fitz. Coron. 16. B. 31. 37.*

The wife without the Husbands knowledge may be either Principal, or Accessory as the case is.

If the Wife steal goods delivered to the Husband (without his knowledg) it is no Felony.

If a Married Woman deliver her Husbands goods to her Adulterer this is Felony in the taker.

If a Servant by his Masters compulsion steal another mans goods, it is Felony in them both.

A Bayliff distraineth secretly for Rent, and selleth the distress, and upon demand of the owner denieth the goods, this is Felony.

If

If an Escheator or other Officer telleth a man that he is Outlawed (knowing the contrary) and by colour thereof taketh his goods 'tis Felony.

If an Officer levys any duty for the King without Warrant it is Felony; *Dalton Sheriff cap. 126.*

So it is where an Officer levys a duty without Authority and Converts the same to his own use.

CHAP. LXIII.

Labourers and Apprentices.

Every Justice upon request must cause Persons meet for Labour to work by the day in Hay time, and in Harvest time, or Imprison them two days and one night, or forfeit forty shillings, *5 Eliz. cap. 4.*

One Justice may Licence such Labourers to their work from one County to another.

Any Justice may compel any meet Person under the age of twenty one years, to be bound an Apprentice in Husbandry, as shall require it, upon refusal to serve, Commit the Party, *Ibid.*

An Apprentice is one who is bound by Covenant Indented to serve a man of Trade, for certain years, to be instructed in his Art, *See the Statute. 5 Eliz. cap. 4.* What Persons may be bound Apprentices by the Justices.

A Justice of Peace may take order betwixt Masters and their Apprentices, and for want of Conformity in the Master, may bind him over to the next Sessions, where the Justice, &c. for good cause may discharge the Apprentice; But if there be default in the Apprentice, the said Justice may send him to the house of Correction, *7 Jac. cap. 4.*

If an Apprentice shall Steal from his Master above the value of twelve pence; any one Justice upon proof thereof may Commit him and his Complices, If under twelve pence value they may be Committed to the house of Correction.

No

No Master, &c. shall put away his Servant at the end of his Term without having given him one quarters warning before two Witnesſes, nor before the end of his Term ſaving for reaſonable cauſe to be allowed of by a Juſtice of Peace, &c. But an Apprentice cannot be diſcharged, but by four Juſtices in open ſeſſions, § *Elix. cap. 4.*

If a Servant depart before the end of his Term unlawfully, or at the end of his Term without quarters warning, &c. Or if a Perſon retained in Huſbandry reſuſe to ſerve, or to take his allowed wages, two Juſtices of Peace may examin the matter and Commit the faulty Perſon without Bail, till he be bound to his Maſter to continue with him, &c. And yet one Juſtice may grant his Warrant to Attach ſuch Servant to anſwer at the ſeſſions, &c. Or to ſend ſuch diſorderly Servant to the houſe of Correſtion, 7 *Fac. cap. 4.*

Any Perſon unmarried, or Perſon Married under the age of thirty years, and brought up in any Art, &c. in the Statute mentioned, is compellable to ſerve in the ſame except he have forty ſhillings in Land, &c. or forty pounds Goods allowed of by two Juſtices, &c. or ſome Farm or Tillage.

Alſo every Perſon between the age of twelve and threeſcore not retained by the ſaid Statute, nor a Gentleman born, &c. ſhall be compelled to ſerve in Huſbandry by the year; *Ibid.*

Two Juſtices may Imprison without Bail the Maſter for ten days, or the Servant for twenty days, who ſhall give or take exceſſive Wages.

The Wages of Servants, &c. ſhall be Aſſeſſed at every Quarter ſeſſions, and alſo of Artificers of Handycraft and Labour, according to the ſaid Statute of which Rates Proclamation ſhall be made.

Every Juſtice ſhall be preſent at the Tawing, not having reaſonable cauſe of abſence to be allowed of by the Juſtice, or forfeit ten pounds.

No Perſon under penalty of Imprisonment, &c. may retain a Servant for leſs then one whole year, *Firt. 168. 1. Inſt. 426.*

And note, that a retainer or promiſe of payment of Wages contrary to this Statute, and every Bond to ſuch Purpoſe ſhall be utterly void.

Two Justices may Commit such Servants, &c. for one year, or less as shall Assault his Master, &c. the Offence being by Confession, or two Witnesses, *Ibid.*

Two Justices may compel any Woman aged twelve and under forty years unmarried and out of Service to be retained by the year, &c. or Commit her upon refusal till she be bound to serve, *Ibid.*

By the Common Law no man is Prohibited to work in any lawful Trade, Co. 11. 53. and 86.

If a man bind himself not to use his Trade, the Bond is void, but if he bind himself not to use a Trade in a particular Town it is good.

No man is Prohibited at Common Law to use divers Trades, *see*, 28 Ed. 3. cap. 2. Therefore an Ordinance to restrain any one therein is void.

No one shall use any Art or Mystery, &c. except he be brought up an Apprentice therein seven years, 15 El. cap. 3. Hemp-Dressers, Makers of Hemp Cloth, Net and Tapestry, are excepted, 15 Car. 2. cap. 15.

Any Person may use privately any Trade for the use of the Family whereof he is a member, Co. 8. 129. but such a one cannot retain an Apprentice.

No Employment which requires not extraordinary skill to exercise it, is within this Statute, as digging, plowing, &c. *Roll. 4 Rep. 10.*

A man that holds Lands of his Lord to work yearly, shall not be compelled to service, &c. 40 Ed. 3. cap. 39. *Gramp. 285.*

If a man who is not sufficient to keep a Servant, shall retain one notwithstanding such Retainer is void, *Fin. 23.*

If a man retain a Laborer, &c. to serve him generally this Retainer is good for one year, and he shall be paid the Wage Assessed by Proclamation, 3 H. 6. f. 23.

A Master retaining a Servant of another mans, not having a Testimonial shall forfeit five pounds, and he is bound to take notice of any Retainer within the same County, 17 Ed. 4. f. 7. *Br. Notis. 20.*

If a Servant depart without Testimonial he shall be imprisoned till he Procure one, or within twenty days after be used as a Vagabond: The same Punishment if he be taken with a Counterfeit Testimonial, by the Retainer

tainer, the Servant is by Construction of Law in his Masters service immediatly, 41 *Ed. 3. cap. 20.* 46 *Ed. 43. 4. &c.* if a Servant depart, his Master may take him, or a Constable may Seize him and carry him to his Master, *Fitzherb. Tit. Laborers. 56.*

No Artificer, &c. who shall take any piece of Work by the Great, shall depart from the same without Licence or other Lawful cause, upon pain of Imprisonment for a Month, without Bail, and the Party shall have his Action and Costs, 5 *Elix. Cap. 4.*

No Master can discharge his Servant during his Term, without his Consent, or for reasonable cause to be allowed by one Justice, or forfeit forty shillings, *Quere.*

A Servant may be discharged by a Word, an Apprentice no otherwise than by Writing.

If a Servant be retained according to the Statute, his Masters Executors shall be Chargable to pay his Wages. 2. *H. 8. Cap. 15. Bro. Lamb.*

If a Servant grow Sick before the end of his Term his Master cannot put him away nor abate his Wages. If a Servant refuse to do service its a departure in Law. If a Master detain Wages, Meat, or drink, 'tis a good cause of departure.

If a Servant depart, &c. unlawfully into another Shire, the Sheriff of the County where he departed may grant his Warrant to the Sheriff, &c. where such Servant is gone to Imprison him till he find Suretys to serve again, *Ibid.*

Justices shall enquire twice a year of the breach of this Statute, One Moiety of the forfeiture shall go to the King, the other to the Informer, and the Justices may determin the Offences, *778s. 183.*

CHAP. LXIV.

Of Leather.

NO Butchers shall cut the Hide of any Ox, &c. See *Tin.* Butchers; No Butcher shall water any Hide but in *June, July, or August* nor sell Hides putrified, on pain of forfeiting three shillings and four pence for each Hide, nor use the Trade of a Tanner on pain of six shillings and eight pence *per diem*.

No Person shall Tan Leather, &c. except he hath served, or been instructed therein in the space of seven years, or except the Wife, Daughter, or Daughters Husband, to whom shall be left a Tan-house with Fats, or such sons to whom a Tan-house shall be left and who have used the Trade four years upon pain to lose the Leather.

No Tanner shall cut Leather on pain to forfeit it or the value.

No Person, &c. shall buy, &c. Rough Hides or Calveskins, except a Tanner, &c. unless it be raw Hides for ships, or forfeit the Leather or value.

No Person shall forestall Hides, or buy, but in Market, or of the Owner who killed the Beast, &c. penalty six shillings and eight pence.

No man not being a Tanner shall buy unwrought Leather unless to work up the same into wares, on forfeiture of the Leather or value, *1 Fac. cap. 22.* see there at large how Leather shall be Tanned.

No man shall sell any Tanned Leather, and unwrought, before it be searched, and sealed, &c. upon pain, &c. See. 4 *Fac. cap. 6* where the searching of Leather made up in England is Repealed.

If any Tanner shall sell any Leather found by the Tryers not to be well Tanned, he shall forfeit as much as is defective.

No Currier shall be a Butcher, Tanner, &c. on forfeiture of six shillings and eight pence for every Skin, &c.

Every

Every Currier shall curry Leather brought to him, eight days in Summer, sixteen days in Winter, &c. in presence of the Party bringing it, if he desire it, on pain of ten shillings, every Hide, &c. See the Statute how Cordwinders shall make their Shoos or Boots, &c. And the Power of the Company of Cordwinders in London.

All Majors, &c. (on pain of forty pounds to the King and Prosecuter) shall choofe and swear two Persons yearly to view and mark Leather and to Seize such as is not well Tanned, *Ibid.*

But see, 4 *Fac. cap. 6.* The Tryers not Executing their Office shall forfeit five pounds. The Majors not electing such Tryers shall forfeit five pounds. If any deny any search to be made in their houses shall forfeit five pounds.

None shall put away any Leather, or carry it out of the Fair before it be Registered.

Forfeited Wares shall not be sold to any that will sell the same again, upon the forfeiture of three shillings and four pence.

Justices, Majors, &c. in Sessions or Leet shall determine these Offences.

Customers, &c. shall Seize Leather to be Transported, or disclose it within forty days within some Court of Record, or forfeit forty pounds and for the second Offence his Office.

All Licences to dispence with any thing in this Statute shall be void.

None shall Transport out of England, &c. any Skins or Hides of any Ox, &c. Tanned or Un-tanned, any otherwise then is directed by, 14 *Car. 2. cap. 7.*

Every Person which shall Transport any Hides, &c. according to that Statute shall be disabled to Trade in Leather and forfeit fifty pounds.

All Red Tanned Leather, &c. shall be bought only in open Market, on pain to forfeit the Leather or value, and the contract to be void.

Such Leather shall be Searched, Sealed, and upon Sale Registered, &c.

Boots, Shoos and Slippers, may be Transported.

All Justices and Majors, &c. both by land and water shall seize all Leather, &c. intended to be Transported contrary to the Statute.

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All Tanners shaving, &c. the upper Leather Hides, &c. shall forfeit the same.

The penalty shall be recovered by debt, &c. in any Court, &c. which shall not be removed; a Moiety to the King a Moiety to the Informer.

CHAP. LXV.

Of Mault.

Constables, &c. of any Town where any deceitful Mault shall be made, or Maulted to be sold contrary to the Statute of 2 *Ed. 6. cap. 10.* may view and search such Mault made, or put to sale, within the Town, and if he find any made contrary to this Statute, he may with advise of one Justice, cause the same to be sold at reasonable price, as the Justices shall see expedient, 11 *Jac. cap. 28.* 2 *Car. 4.*

The Justices at the Quarter Sessions may Restraine the number of Maulsters, and also such Persons as they shall think fitting, from buying Barly to make Mault.

And if any Person shall disobey the Order touching the same, then and so often such Persons being there Convict in Sessions, or before two Justices out of Sessions, by two Witnesses, &c. shall be by the Justices committed to Gaol without Bail for three days, and after till he enter into Recognisance of forty pounds before some Justice, to obey such Order, 39 *Eli2. cap. 16.*

CHAP. LXVI.

Of Markets, Fairs, &c.

Faires or Franchises whether they be held by Charter or Prescription, they must be holden so no longer time then may be warranted by grant or usage: and the Sheriff ought to make Proclamation, that those that have Fairs, keep them no longer then they ought to do, 2 *Ed. 3. cap. 15.* And the Lord of the Fair at the beginning thereof, shall make Proclamation, how long the same is to continue, on pain to be greivously amerced to the King, and if he hold over the Fair, shall be seized into the Kings hand, till he make fine for the Offence, And if a Merchant sell Wares after the time, he shall forfeit to the King double the value, for what 'tis sold for, and the Prosecutor shall have the fourth part, 15 *Ed. 3. cap. 5.*

No Fair or Market shall be kept in Church-yards, 13 *Ed. 1. cap. 5.*

Against buying and selling again of Cattle in the same Fair, See. 34 *Ed. 6. cap. 19.* See *Tit. Cattles.*

Touching Sale of Horses in Fairs, &c. See 22 *Ph. Ma. cap. 8.* 31 *Eli. cap. 12* & *Tit. Horses*, for Office of the Clerk of the Market, See *Tit. weights.*

Because Justices are to Judge of Property, and how far 'tis devested by Sale in Market *Overt. obs.*

1. That in *London* every day in the week, except Sunday is Market *Overt*, &c. Sale in Shops *bona fide* then and there is good.

2. The Sale in such Shops must be of things Proper to the Trade, for if Plate be sold in a Scriveners Shop, &c. the Sale is not good.

3. If a Sale be of Plate in the Goldsmiths Shop (where 'tis Properly to be sold) yet it must be done publicly, for a Sale behind the Curtain, &c. will not alter the Property.

4. A Sale in Market Overt, if it be Covinous, or if the Buyer know the Goods to be Stolen, the Property is not altered, *Co. 3 cap. 78.*

5. The King cannot grant to one that his Shop shall be a Market, which would alter the Property of a Strangers goods,

6. In a Market where things are saleable in distinct places, the goods must be sold in the usual place assigned for such goods, or the Property is not altered, *Moor 300. 60.*

He that pleads a Sale in Market, must plead that it was done in *pleno Mercatu*, *Ibid.*

CHAP. LXVII.

Of Night-Walkers

EVery Justice (*ex officio* and by the first *Assignavit* in his Commission) may Arrest Night-walkers, if suspected, or of ill Fame, chiefly such as sleep the day time, and all such as in the night season haunt houses suspected for Baudery, or use suspicious Company, and may force them to find Suretyes for the good behaviour, *13 H. 7. cap. 10.*

CHAP. LXVIII.

Of Nuisances.

FOR Nuisances in High-ways, See *Tit. High-ways.*
If any Person shall water Hemp or Flax in any River, Water, Stream, &c; Where Beasts be usually watered, he shall forfeit twenty Shillings. One Moiety to the King, the

the other to the Party grieved, or to any one that will sue for it in any Court of Record.

Transporting Leather contrary to, 14 Car. 2. cap. 7. is declared a Common Nuisance.

No Butcher shall sell any Beast in any City, Borough, &c. upon the pain of twelve pence for every Ox, &c. Of eight pence for every Cow.

CHAP. LXIX.

Oaths.

NO Person can administer, or take any Oath, but what is warranted by the Common, or Statute Law, and therefore 'tis that our Statutes do so often give power to Justices of Peace, to administer Oathes, 2. Institutes. 7, 9. 31 Eliz. cap. 72.

Any one Justice may compel such as are between the age of fifteen and threescore to be sworn to keep the Peace, Lamb. 160 13 Ed. 1. cap. 6 34 Ed. 1.

If any Person of the age of eighteen years, not being a Baron, &c. shall be convicted for not coming to Church, before the Ordinary, &c. or if the Minister, &c. shall complain to a Justice, and if he find cause of suspicion, such Justice shall require the party to take the Oath of Allegiance, and if he refuses he shall be Committed without Bail till the next Sessions or Assises, where the Oath being again tendered him, if he refuse again, he shall incur the penalty of a *Premunire*. 7 Jac. cap. 6. See who, and by whom, the Oaths of Allegiance and Supremacy shall be taken, 1 Eliz. cap. 1, 5 Eliz. cap. 1, 3 Jac. cap. 4, 5. And *Tit. Recusants*.

Two Justices, &c. may take the Oaths of the under-Sheriffs and their Officers.

No Person may maintain the taking of an Oath in any cause whatever if unlawful, nor willfully refuse to take an Oath duly tendred, or perswade others to forbear the taking of an Oath so tendred upon the penalty against Quakers. 13, 14 Car. 2. cap. 1.

CHAP. LXX.

Of Partridges.

IF any man shall take Pheasants, Partridges, &c. upon the free-hold of any other without Licence, shall forfeit ten pounds, one moiety to the prosecutor, the other to the owner of the Lands. And the Justices have power to determine, &c. by Inquisition or Information.

Every Justice may examine Offenders for destroying Partridges in the night time, and for Hawking or Hunting in Eared Corn, and bind the Offenders with Surety at the next general Sessions. The forfeiture for a Pheasant is twenty shillings, for a Partridge, ten shillings, &c. 33 *Eliz. cap. 10* See now. 1 *Fac. cap. 27. 7 Jac. cap. 11.*

That Offences of destroying Partridges, &c. is generally referred to two Justices.

By the Statute, 1 *Fac. cap. 27.* Every Person which shall shoot at any Partridge, &c. or kill any Partridge with Setting Dogs or Nets, &c. or break the Nest of any Partridge, or keep any Setting Dog or Net except he have Lands of Inheritance of the clear value of ten pounds *per annum*, or thirty pounds *per annum* for life, or goods worth two hundred pounds; or son of a Knight, shall upon proof thereof by two Witnesses, &c. before two Justices, &c. be Committed without Bail for three Months, or pay immediately to the Church-Warden, twenty shillings for every Fowl, &c. and forty shillings for every Grey-hound, or Setting Dog, &c. 1 *Fac. cap. 27, 2 Fac. cap. 28, 3 Car. cap. 4.* One Month after Commitment he may be bound with two Sureties by two Justices, &c. this relates not to the whole Statutes.

If any man sell, or buy to sell again, any Deer, Partridges, &c. he shall forfeit for every Partridge, ten shillings, &c. to the Poor and the Prosecutor, 1 *Fac. cap. 27.*

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27, and it seems two Justices may punish by this Statute.

Every Person which shall Hawk at or kill any Partridge, &c. between the first of July and the last of August the same being proved by two Wittnesses, &c. before two Justices, shall by them be Committed for one Month without Bail; or pay, &c. But the complaint must be made within Six Months, See Tit. Hunting.

CHAP. LXXI.

Of Pasture.

Every Person usually keeping twelve hundred shear Sheep on his several Pastures, fit for Milch, shall for every sixty Sheep keep a Milch Cow, and for every sixty Sheep rear one Calf, or forfeit twenty shillings.

Every Person who shall keep upon his Pasture above twenty Oxen, Runts, &c. shall for every ten Oxen, &c. keep one Milch Cow, and breed and wain yearly and keep one Calf for every two Milch Cowes, on the paines aforesaid, to be recovered before the Justices or in the Kings Courts by Bill, &c. 2, 3 Ph. Ma. 3, 13 Eli. cap. 25. 7 Jac. cap. 8.

CHAP. LXXII.

Of peace.

Every Justice (by the power of the first *Assignavimus* in the Commission) hath as well the Antient authority of the Conservators of the Peace, as also all such as by any Statute is given since, to keep and cause to be kept his Majesties Peace.

Justices must Arrest and send to the Gaol Murderers, Felons, &c. and all Persons suspected thereof.

They must also suppress and bind to the Peace and good behaviour all Affrayors, and Persons Riotously Assembled, wearing Armor, putting the People in fear, or Night-walkers, &c.

If any Affray and forceable Entry, &c. be Committed in the view of a Justice he must Record it, and Commit the Offender. If it be not in his presence, yet he may bind the Partys with Suretys to the good behaviour, or for want thereof Commit them, and not otherwise, *Croke, Car. 41.*

If a Justice Certify to the Kings-Bench that. *J. S.* hath broken the Peace in his presence, the party may not Traverse it. but shall be there fined, *Crompt. 13 See Tir.* breach of the Peace.

Suretys of
the Peace.

Surety of the Peace is the acknowledging of a Recognisance to the King before a Judge of Record for the keeping of the Peace.

A Justice may take this Surety two ways. 1. As a Minister as upon a *Supplicavit*, &c. 2. as a Judge by virtue of his Commission, and that either at his own motion or at the request of another.

He may of his own motion in the answering cases, and that against all the Kings Subjects, if he think fit. 1. Where assault is made upon the Justice himself. 2. When an assault is made upon another in his presence. 3. If one in his presence threaten another, &c. 4. For Contention in hot words in his presence. 5. If one in his presence go Armed offensively, or with an unusual number of Servants, &c. or Servants and Labourers bearing Weapons against the Statute of 12 R. 2. 6. He may bind any Person by him suspected to be inclined to break the Peace. 7. A Person brought before him by a Constable who had made an Affray, &c. in his presence. 8. A Person that goes about to break the Peace in the Constables presence, or Assaults him may be carried by the Constable before the Justice who may Bind him, &c. 9. He may (by his discretion) Convene before him a Person who had broke the Peace (though not in his presence) and command Suretys of him. 10. A Person going or riding with offensive Arms may be Arrested by a Constable, and by him be brought before a Justice who may do as abovesaid. 11. He may (upon his discretion

creation) bind to the Peace a Common Barrator. 12. So of Riotors. 13. If a Person bound break the Peace, the Justice ought to bind him a new. But it seems not until after conviction upon the Recognisance. 14. Any Justice may (for the insufficiencies of the Suretys) compel one bound to the Peace to find better.

A Justice granting the Peace at the request of another must take an Oath of the Party so demanding that he is in bodily fear, &c.

One fearing that another will burn his House, may demand the Peace of him, but not he that is threatened to be imprisoned, or to have his Goods burnt.

It seems likewise the Peace shall not be granted for the Masters fear, that another will hurt his servant, &c. or for that he is at Suit or variance with his neighbour.

Note, That the fear of some present danger ought to be the cause of granting the Peace, and not any Battery, Trepass, or breach of the Peace done before, yet the Justice if he see cause may bind over the Affrayer.

The good behavior is granted by the Justice as well by virtue of his Commission, as by force of the Statute.

3, 4 Ed. 3. cap. 1.

The good behaviour may be broken. 1. By an Extra. Suretys for ordinary Company of Attendance. 2. By wearing of the Good Harness or other Weapons more than usually he had done, or more then meet for his degree. 3. By using of threatening words, tending to the breach of the Peace. 4. Or by doing any other thing that may be the occasion of breaking of the Peace, or by putting the people in any dread or Fear, although there be no actual breach of the Peace; As these four Matters are breaches of the good behaviour, so are they causes to bind over to the Peace, and are likewise breaches of the Peace.

The good behaviour is granted at the suit of divers and those being men of Credit, and provides for the safety of many. The Peace being usually granted at the request of one, and for the preservation of the Peace chiefly towards one.

It is commonly granted in open Sessions, and by two or three Justices out of Sessions, yet one Justice may bind to the good behaviour either by his own discretion or at the request of others; The good behaviour may be

be taken by a Justice by virtue of a special Writ in the nature of a *Supplicavit*, directed out of the *Chancery*, or *Kings-Bench*, and the same Proceeding in this as in the case of the Peace.

For and against whom this Surety is to be Granted.

Neither a *Supplicavit* or Warrant is grantable against a Peer of the Realm, but if there be cause, the Party may have a *Subpena* out of *Chancery*, and the Lord may be bound there, *Crompt. 134. and Dyer 315.* seems to agree that if he make default upon the *Subpena*, no Attachment can be Awarded him; But other opinions there are as *Fitz. Tit. Subpena. 20 F.N.B. 79. Crompt. ut Supra*, that a *Supplicavit* may issue out of *Chancery* (upon prayer of the peace there) against a Peer directed to the Sheriff who may take Suretys.

A Dutches, Countess, &c. hath the same privilege; but if Noble by Marriage, and marry one under the degree of Nobility, she clooeth her Privilege, Otherwise of a Woman that is Noble by Birth.

The Sessions being a Court may demand Suretys of the Peace or good behaviour against any one single Justice, so out of Sessions one Justice may against another. Ecclesiastical Persons may be Arrested for the Peace; if they be not celebrating of Divine Service, and if so they cannot, 50 *Ed. 3. cap. 5. vid. Stat. 1. R. 2. cap. 15. 1 Ma. cap. 3.*

Sheriffs, Coroners, &c. may be bound to the Peace.

A Justice upon demand may grant the Surety against his own Wife.

The Peace against one living in the *Cinque Ports* must be by Writ out of *Chancery* directed to the Constables of *Dover*, and the Wardens of the *Cinque Ports*.

The Wife may demand the Surety against her Husband, so may the Husband against the Wife; But it was otherwise resolved, *Trin. 9 Car. B. R.*

The Peace may be granted to an Infant under the age of fourteen years, *Lamb. 81.*

It may be granted against a Feme Covert, and an Infant under fourteen years, and they are to be bound by Suretys only and not by themselves.

It is not grantable either to, or against, a man of *non sana Memoria*, but otherwise of a Lunatick.

It shall not be granted to one that is Deaf, Dumb, or Blind

Blind, or which is Deaf and Dumb, though he hath his sight, *Stamf. de prærog.* 33, 34. One Deaf and Dumb or Blind and Deaf, by accident (it being possible he may have understanding) shall have the Peace granted to or against him.

It may be granted likewise against him that is impotent, though of himself he be not able to break the Peace, so also against one Attainted of Treason, or Felony, or Convicted of Heresy.

It may be granted, either to or against a Person Excommunicated, or which hath abjured the Realm, a Denison, Alien, Lord, and villain; one against another, but otherwise of an Alien enemy.

The good behaviour is to be granted against common Good behaviour Barretors, common Quarrellers, Common Breakers of the Peace, Riotors, such as lye in wait to Rob, or Attempt, or are suspected so to do or are like to commit Murder, &c. such as practice to Poison others, such as outrageously misbehave themselves in the presence of a Justice, as frequent houses suspected to maintain Incontinency, and also against the Maintainers of such Houses, common Whore-Mongers, and Whores, Night-walkers, suspect to be Pilferers, Persons of evil behaviour, or Fame, Eves-droppers, such as cast open Gates in the Night, such as fare well and live idly and have nothing of their own to live upon, Common Gamesters, Haunters of Taverns or Ale-houses, Common Drunkards, convict according to the Statute, 4 *Fac. cap.* 4. Such as go in the messages of Thieves, such as raise Huy and Cry without cause, Cheaters, Coufeners, Libellers, deputative Father of a Bastard Child.

If a Justice see one break the Peace, and charging him to keep the Peace, he shall answer that he will not, the Justice may bind him to the good behaviour.

To speak unseasonable words of a Magistrate when he is not executing his Office, as to call a Major fool, is not cause of the good behaviour, *Moors. Rep.* 247.

If a Citizen or a Freeman of a Town Corporate shall use words of contempt against the chief Officer of the same or against his brethern, this is good cause to require the good behaviour of him.

Such as abuse Justices Warrants shall be bound, &c. so it is of such as charge others of Felony before a Justice, and will not give Evidence.

Whatsoever

Whatsoever in it self is a misbehaviour, is sufficient cause to bind the Offender, &c.

The Offenders hereafter named shall find Suretys for the good abearing, by the expresse words of several Statutes.

Disturbers of Preachers, 1 *Ma. cap. 3.* destroyers of Fish-ponds or Stealers of Fish after Lawful Conviction; 5 *El. cap. 21.* Takers, of Hawks, or Hawks Eggs out of other mens grounds after Conviction, unlawful Stealers, Hunters, Killers of Deer or Conys in the Parks or Warens of other men after Conviction, 5 *El. cap. 21.*

Note, All these Offenders must be bound at the Sessions.

Popish Recufants absenting themselves from Church for a twelve Month, 23 *Eli. cap. 1.*

A Person attainted of Felony and pardoned shall find, &c. within three Months, before the Sheriff or Coroner, who shall certify the same into *Chancery*, 10 *Ed. 3. cap. 3.*

Such as shall disturbe the Execution of the Statute 39 *Eli. cap. 4.* Concerning Rogues, any two Justices may bind. &c.

The Mother of a Bastard Child (that may be chargeable to the Parish) for the second offence shall be committed, &c. till she find Suretys, &c.

Such as are infected with the Plague and being commanded to keep their Houses, &c. disobey the same, &c. shall be bound, &c.

If any Person bound to the good behaviour, for Offending against the Statutes before mentioned, shall afterward Offend against the same, this shall be a forfeiture of his Recognisance.

It is a breach of the good behaviour to be drunken; and so Sir *Nicholas Hide* delivered it in his charge at the Assizes.

What shall be accounted no breach of the Peace. To call a man quarrellous Fellow and Scurvy Knave, was adjudged no breach of the good behaviour. Otherwise it is, if the words be spoken to an Officer in the Execution of his Office.

To say of a Merchant that he is a Bankrupt, is no breach &c.

To say of a Major playing at Tables that he is a fool, is no cause of Imprisonment, but if he be in execution of his Office

Office it is otherwise, *Roll. Rep. second part f. 200.* If a man be convicted upon an Indictment of Trespals, *quod vi et armis clausum fregit, et Averia cepit et abduxit et adhuc detinet*, this is no breach of, &c.

To say of another he is a Pelter, Lyer, Drunkard, &c. is no breach of, &c. for they are not words which menace battery, or import an intention to do violence to any one, as to say I will meet with thee or the like

If a man be bound to the good behaviour and to appear at the next Assises, yet he may remove the Recognisance by *Certiorari* into the *Chancery*, or the *Kings-Bench* before the day, and then he need not to appear at the Assises, for the Judges having no Record before them there, cannot call him.

It may be commanded either by word or writing; By word where the cause of the Peace doth arise in the presence or hearing of the Justice, and though in his absence, yet if the party offending be in his presence, when upon Oath it is demanded against him.

How it may be Com-
manded and
Executed.

The Justice by word may command him to find Suretys, and may also by word command a Constable or other known Officer (or his own Servant) being then present to Arrest him, and upon default of Suretys Commit him, &c. but otherwise if the Person against whom, and he then absent.

Note, Every Justices Warrant must be in Writing, and under his Seal, must likewise contain the Cause, and at whose Suit, it may be to bring the Party only before that Justice which made it, But 21. H.7. cap. 22. *Fineux* was of Opinion that where a Justice makes a Warrant *ex officio* (not by *Supplicavit*) that it is at the Partys Election to appear before him or any other Justice, and that if otherwise compelled may have an Action, &c. against the Officer.

The Constables ought first to acquaint the Party with the matter, and charge him in the Kings name, to go before the Justice, and if he refuse either to go or to find Suretys, may Arrest him, and carry him to the Gaol without bringing him before any Justice, and then such Officer ought to be at the next Sessions there to deliver in his Warrant, and to certify all he did thereupon; If there be no such refusal; the Officer cannot also barely Arrest him, but is not bound to go with him to find Suretys, but may detain him until he procure them, and upon

upon Offer of resistance or departure be carried to the Gaol, or Imprisoned in the Stocks, until farther Aide be provided, &c. to convey him to, &c.

The Justice is not bound to demand Suretys, but being brought before him, if he hath no Suretys ready, or upon refusal, may be carried to the Gaol by the Officer, without any new Warrant or Command.

If the Officer Arrest the Party and bring him not before a Justice, or upon refusal, &c. to the Gaol, he may be punished by Indictment for his neglect, and at the Partys Suit for false Imprisonment.

A man for default of Suretys may be delivered by the Justices Warrant upon the death or Release of the Party, that required the Peace against him upon a general Warrant, it is at the Election of the Officer, to carry him before any Justice he please, § Co. 39.

If another Justice then he that granted the Warrant accept Suretys, &c. must upon request make a *Supersedeas*, but this doth not discharge the first Warrant until the Party be bound indeed.

A Person suspecting that the Peace is, or will be demanded against him, may go to a Justice and there voluntarily give Suretys and Procure a *Supersedeas*, &c.

An Officer having a Warrant to Arrest, &c. upon a *Supersedeas* (which is good though it contains neither the Suretys name or the Sum) delivered to him may neither Arrest or detain the Party, and if he does 'tis false Imprisonment.

Upon Receipt of a *Supersedeas* from the *Kings-Bench*, or *Chancery* the Justice must Superseede his own Warrant against the Party.

Note, A *Supersedeas* may be procured out of *Chancery*, in the Vacation, and for not obeying it, (though Awarded against him) an Attachment may Issue against the Justice, and notwithstanding such a *Supersedeas* the Justice ought to certify the Recognisances (if he hath taken any) to the next Sessions.

Every *Supersedeas* out of *Chancery* or *Kings-Bench* is void unless granted upon motion in open Court, and the sufficiency of the Suretys must appear upon Oath to be Assessed at five pounds Lands in the subsidy Book at least, it must likewise appear that the Peace is demanded, *bona fide*, 21 Jac. cap. 8.

CHAP. LXXIII.

Of petition.

NO Person shall Sollicite, &c. the getting of hands of more then twenty Persons to any Petition, &c. to his Majesty, or to both or either of the Houses of Parliament for the alteration of matters Establiſhed in Church or State, unleſs with the Conſent of at leaſt three Juſtices of the County or the Major part of the Grand Jury at the Aſſiſes, &c. where matters ariſe, &c. or if in London by the Major, Aldermen, and Common Councel Nor ſhall any repair to his Majesty with more then ten Perſons to preſent any Petition, &c. This Offence is preſentable at the Sessions, or Aſſiſes within fix Months, muſt be proved by two Witneſſes and ſhall thereupon be puniſhed by fine not exceeding one hundred pounds, and three Months Imprifonment without Bail, 13 Car. cap. 15.

CHAP. LXXIV.

Of plague.

IF any Perſon infected or dwelling in an houſe infected with the plague being by a Juſtice or head Officer, &c. (commanded to keep home) ſhall yet wilfully go a broad having an infectious ſore 'tis Felony, if no ſore yet ſhall be puniſhed as a Vagabond, and bound to the good behaviour for one year, 1 Jac. cap. 31, 21. Jac. cap. 28.

Going a broad.

Juſtices and head Officers, &c. ſhall appoint Searchers, Watchmen, Keepers and Buryers in Places infected, give

give them directions and administer an Oath to them, for performance of their Office, *Crompt.* 122.

If any Person infected, &c. shall attempt to go abroad, such Watchmen may enforce them to keep their houses, *Ibid.*

Two Justices or head Officers may Tax every Inhabitant, &c. for the relief of infected Persons in the same place, and by Warrant of two Justices, &c. may levy the same by distress, and for default thereof, &c. by like Warrant may commit such Persons to the Goal till he satisfy the Taxation.

If the Inhabitants of such place, &c. are able to relieve their infected Persons, &c. upon Certificate thereof by the head Officer and Justices, &c. any two Justices near the place, may Tax the Inhabitants within five miles thereof for the relief aforesaid.

If any infected shall be in any Burrough, &c. where there are no Justice, or in any Hamlet, then any two Justices of the County may Tax the Inhabitants of the County, and within five Miles of the place to be levied as aforesaid, &c. and all such sums shall be distributed by Justices or head Officers and Justices.

All such Taxes shall be certified at the next Quarter Sessions, in such City or County, &c. Universities, Cathedral Churches and the Colleges of *Eaton* and *Winchester* are excepted out of this Act, See 3 Car. 1. cap. 4. 17 Car. 1. cap. 4.

CHAP. LXXV.

POOR.

Overseers.

BY Poor we understand only such as are Old, decrepid Widows, fatherless or others driven to Poverty, not by Riot, but by mischance; Rogues Vagabonds, &c. being excluded.

The Church-wardens, or at least two Justices *Quorum* *11 Hen. 6.* &c. shall yearly within one Month after *Easter*, under their

hands and seals, appoint four or three or two able Housekeepers to be Overseers of the Poor.

All Poor in every Township in the County of *Lancashire* (and other Countys, &c. where by reason of the largeness of Parishes, they can not reap the benefit of the 43 *Eliz. cap. 2.*) shall be maintained, &c. in their respective Township, &c. in which there shall be chosen yearly two or more Overseers, who shall do and forfeit as in 43 *Eliz. cap. 2.* 14 *Car. 2. cap. 12.*

The Justices of the County shall do and Execute in such Townships, &c. as is directed by 49 *Eliz. Ibid.*

This Statute extends to such large Parishes, in any County.

The Church-wardens and Overseers (or the bigger number of them) by consent of two Justices, shall take order for setting the Poor on work, binding out Apprentices.

1. To set to work the Children of such Parents, as shall not be thought able by the Overseers to maintain them, as also to bind Apprentices the Male Children till they be twenty four years old; Women Children till the Age of twenty one years or time of Marriage. All such Children being seven years old may be bound, but it must be by Indenture, See 1 *Fac. cap. 25.* 21 *Fac. cap. 28.* 3 *Car. cap. 4.* And *Tit. Labourers.* And note, one Justice may bind an Apprentice. Apprentices.

2. To set to work all such Persons as having no maintenance, do not use some ordinary Trade to get their living. Such also as can get no work, are to be set on work by the Overseers, which if they refuse to do, they may be sent by one Justice to the House of Correction, 43 *Eliz. cap. 2.* Church-wardens by consent of two Justices *Quorum unus*, or by one Justice if there be no more within the division may set up and occupy any Trade, &c. for the setting on work the Poor of their Parish. &c. 3 *Fac. cap. 4.* Work.

3. To relieve the Poor: And to this purpose the Overseers are enabled to raise by Taxation of every Inhabitant, Parson, Vicar, &c. and of every Occupier of Lands, &c. or saleable under-woods, (proportioning them to an annual value, &c.) in the same Parish a competent sum for Relief of the Poor and to Provide a convenient Stock to set them on work and to bind Apprentices. Relief.

Toll of Markets is taxable as hath been adjudged in the Kings Bench. Goods.

M

It

It seemeth that Persons may be rated not only for their Lands, &c. but also for their Estate of Goods known, and herein the charge of the Family, is in some measure to be regarded. But report or suspicion only, is not sufficient grounds to tax for goods.

Touching Taxations take these Rules. 1. The Poor Tax ought to be charged upon the Tenant or Occupier of the Parish, for which the Rate is made.

If there be within a Parish a Villiage that hath a Church, and Parochial Rites, and that within the same Church-wardens and Overseers have been chosen, and a separate Taxation made for the relief of the Poor ever since, 43 *Eliz. cap. 2.* This is a compleat Parish in matters of the Poor.

Children above the age of fifteen are not to be bound Apprentices, but to be forced to work or go to Service, and upon refusal to be sent to the house of Correction 7 *Fac. cap. 3.*

All single Persons under the age of thirty, being warned by two Justices by a day to put themselves into a Service, if they do not accordingly, having no means to maintain them, are to be sent to the House of Correction.

Clergy-men are chargeable to the Contribution of putting out Apprentices, and if they refuse to pay, it seemeth the same may be levied by distress upon the Warrant of two Justices as in cases of other Persons.

It has been held, till of late that the Justices may compel such as be of ability to take Apprentices such Poor Children as the Church-wardens and Overseers by the consent of the said Justices shall think fit to bind with them and the practice hath been accordingly, but this opinion hath been lately over-ruled in the case between the King and *Pyne*, by the consent of all the Judges of *England*, by which it is ruled that Poor Children shall be bound out with the Parish Stock to such fitting Persons, and for such sums of Money as the Church-wardens and Overseers can bargain for; by which means every Parishioner shall pay his equal proportion.

Note. If a Master shall put his Apprentice into Apparel that is a gift in Law, which he cannot take away, though he part with his Apprentice, *Br. Trans. 93.*

Two Justices shall take an account of Church-wardens

Overseers account

Justices and Overseers till the end of the year, viz. An account (1.) Of all Moneys by them received, or rated and not received. (2.) Of such stock or ware, &c. as they or any of the Poor have in their hands. (3.) What Apprentices they have bound out. (4.) What Poor they have set at work and relieved. (5.) Whether they have suffered the Poor to beg without their direction, See 39 Eliz. cap. 3. 4. (6.) Whether they have met Monthly about these matters. (7.) Whether they have assessed all such as are of ability, &c. and with indifference. (8.) Whether they have endeavoured to levy and gather such Assessments. (9.) Whether they have been negligent any other ways in their Office, as in relieving the impotent, executing Warrants, for levying any forfeitures, &c. See 7 Jac. cap. 33. How Moneys given to bind Apprentices shall be employed, where the Persons intrusted shall once a year at Easter, or within a Month give an account of all Moneys so employed, and of Securitys taken before three or two Justices next adjoining, &c.

Charity for
Apprentices

If the Churchwardens, or Overseers shall refuse to yield such account, two Justices may commit them without Bail till they make it; if they make a false Account, they may be indicted at the Sessions.

If they refuse to pay, and deliver over such Arrearages, and Stocks, as shall be in their hands at the end of the year, to the new Churchwardens, &c. Two Justices may grant their Warrants to levy the same upon them by distress, and in default thereof, they must be committed without Bail till they make payment; The Law is the same if any such Stock be in the hands of any poor Person, and he refuse to deliver it.

If Persons Assessed dye before the Moneys be Collected, then a new Rate ought to be made.

Church-wardens, &c. for other negligences in their Office, as in Execution of the Orders aforesaid, shall forfeit twenty shillings for every fault, to be proved by two Witnesses, &c. *ut supra*, and to be levied upon them by the new Overseers, &c. by Warrant of two Justices, and for want of distress, by the like Warrant they shall be committed without Bail till payment, but for other negligence the forfeitures of the Overseers shall be levied by the Constables by the like Warrant.

Levying of
Taxes.

If any Person shall refuse to pay his proportion to the

the Poors rate, it shall be levied in like manner by Warrant of the Justices to the Church-wardens, &c. and in defect of distress, *ut supra*.

Parish not
able.

If any Parish be not able to releive their Poor, two Justices may Assess any other Persons within the hundred to pay such proportion to that Parish as they shall think fit.

Charging
Parishes.

If a Parishoner without consent bring a Poor Person into the Parish which becomes chargeable, he may be raised in the rate.

Appeal.

If any Person be agreived by the Taxation of the Overseers or Justices he may be releived at the Quarter Sessions, where there are Justices in Towns Corporate, the Justices of the shire are not to intermedle.

Parishes in
two liberties.

If a Parish be one part in such a Franchise the other in the County, or lying in two Countys, the Justices shall meddle only within their own limits, but the Overseers must Execute their Office without dividing.

A Father and Grand-father, Mother and Grand-mother, Children and Grand-children of impotent Persons, shall pay such Contribution to their releif as shall be Assessed in Quarter Sessions, where such Contributors shall live, on forfeiture of twenty shillings for every Month that they shall disobey, to be levied, &c. *ut supra*.

The Husband of the Grand-mother is a Grand-father within this Statute, if his Wife were of abillity at the time of their Marriage; Or if an estate after the Marriage descend to the Grand-mother, otherwise perhaps it is, if she enrich her Husband by her own industry; The same Law for a Father-in-law. *Note*, These directions in this matter.

Parents able. Children.

The Fatherless Children are to be set at work and maintained where their Parents dyed, and not to be sent to the place of their Births, for if their Parents were not Vagabonds, &c. the Children shall not be accounted so, unless they wander to beg, as was held by, *Flac. Anno. 11 Jac.*

If any (not being a Rogue) Travel with their Children and dye upon the Road, such place is not bound but in charity, either to keep or send away such Children, because they are not wandring Beggars. A Travelling Woman having a sucking Child, was apprehended for Felony,

Felony, and after hanged, The Child must be sent to the place of its birth, if it be known, or else kept where the Mother was Apprehended, so Ruled by Sir *Nicholas Hide. 3 Car.*

None may be suffered to Peg by the High-way or at any mans door though in his own Parish without leave of the Overseers.

No Person whose Estate in his house is expired, or Servant when his Service is ended shall be put out of the Parish, but shall work there if able, shall be releived there if impotent, But if such Person shall wander thence, he may be sent to the place of his Birth, as a Vagabond.

It was delivered by Sir *Francis Harvy* that the Justices (at least out of Sessions) were not to meddle, with the removing or setting of any Poor, but of Rogues only.

If a man hires a house in A. where he settles with his Family, and after binds himself a Servant in B. his Wife and Children are not to be sent to B. being settled before, otherwise it had been if he had not hired them an house.

If a Person be put out of a Parish which ought to have notice, this is finable as it seems by the Statute, 39 *Eli. cap. 4.* and shall be levied by distress upon the Warrant of two Justices, upon the Testimony of two Witnesses or upon Confession.

The Resolutions of Judges of Assises touching some matter relating to the Poor, 1633.

If the Parents of Poor Children ordered by the Overseers, &c. to be bound Apprentices, shall refuse to permit the same, or being bound shall intice them away (they themselves not being able to maintain them) such Parents shall be sent to the house of Correction.

A Person not enabled by the Statute, 5 *Eli. cap. 4.* to live out of Service and which being duly Warned to put him or her self into Service shall refuse so to do, may be bound over to the next Sessions, or Assises and to be of the good behaviour in the meantime, or be sent to the house of Correction.

The Tax for the Relief of the Poor by the Authority of the Statute; 43 *Eli. cap. 2.* shall be in the first place equally Assessed upon all Lands in the Parish; but there may be an additional Provision made out of the Personal visible Estates of the Parishioners within the

Parish according to discretion, and the Sessions, &c. may Judge thereof.

Petty-Constables Tything men, &c. are to be reimbursed of such charges as they have been at in conveying Rogues and Vagabonds from Parish to Parish, by such way of Assessment, as hath been usual in the Parish.

If a Woman servant be with child during the time of her service, a Justice upon complaint of the Master may discharge her, and the Parish where she serves must provide for her as in other cases of casual impotency.

If a Woman be delivered of a Bastard Child, and then goeth into another Parish, the Child must be placed with the Mother so long as 'tis within the quality of a Nurse Child, and afterwards shall be sent to the place of its Birth to be Provided for, (the Mother or reputed Father not being of Ability) and the Parish where it was born shall not contribute to the charge, whilst the Mother lives, and the Child be under seven years old.

If a man and his family be illegally thrust out of a Parish, during which time he hath a Child born, he must be returned to the place where he was last lawfully settled, and the Child with him to be maintained there.

Servants and Apprentices becoming impotent, are to be maintained by the Parish where they served for a Month at least.

A Nurse Child, a Scholar at School, or in the University, a Person in Gaol are not to be esteemed otherwise, than as Travellers, and if impotent ought to be maintained where their Parents are settled, and Children born in Common Gaols, their Parents being Poor, are to be maintained at the charge of the County.

Parsons, &c. shall bear their proportion to the Poor Rate, according to the value of their Parsonages.

The Persons which are to be maintained by a Publick Charge must be such as are become Poor, either,

1. By Impotency or Defect as Aged Persons, Infants, Persons naturally disabled, as Idiots, &c. or Persons visited with sickness,

2. By casualty viz. Maimed Persons, Householders decayed by Fire, Robbery, Strætship &c.

Persons Riotous, dissolute, slothful or Vagabonds, are to be sent to the House of Correction, where they shall be set

What Poor
ought to be
maintained

Poor not re-
lievable.

set to work and live by their own labours, but if at any time they become impotent from thence forward they may be relieved and not otherwise.

Two Justices may License the diseased Poor to Travel to the Bath so they beg not, 9 *El. cap. 4.* 1 *Fac. cap. 25.*

One Justice dwelling nigh the place where any Shipwrecked Person, poor Soldier, or Marriner shall land ought to give him a Testimonial thereof, and License to pals to his own dwelling, &c. in a time convenient. Licence to travel
Testimoniall

A Collection of such forfeitures as are given by several Statutes to the Poor.

Of Alehouse-keepers that suffer Townsmen &c. to continue drinking in their houses, by the Statute of the 21 *Fac. cap. 7.* The same of persons keeping Alehouses without Licence, 1 *Fac. cap. 9.* 3 *Car. cap. 3.* 4 *Fac.*

Of Alehouse-keepers selling less then one quart of their best Ale, or Beer, or two quarts of their small for 2 penny, *Ibid.*

Of Townsmen, &c. Tipling in Alehouses, *Ibid.*

Of Constables, &c. not leyving the said forfeitures, or Whipping the offender upon the Justices Warrant, &c.

Of Persons Convict for Drunkenness.

Of money made upon sale of Teinders found by the Justices, or by the Overseers of Cloth, 3 *Fac. cap. 18.*

Of penaltys for want of length, breadth, or weight of Cloths, two third parts, *Ibid.*

The moyety of the forfeiture of the spawn of Fish, 3 *Fac. cap. 12.*

The Flesh in Lent time found in Victualling houses; 1 *Fac. Cap. 29.*

Taking and destroying Pheasants, Partridges, &c. *vid. Tin.* Partridges.

Taking or destroying the Eggs of any Pheasant, Partridge &c. *Ibid.*

Forfeitures of such as shall meet out of their Parishes on Sundays for pastime. *Car. 3.* 1 *Car. 4.*

Using unlawful Games in their own Parish on Sundays, *Ibid.*

Taking, destroying, Trasing, or Courfing of any Hare in the Snow.

Keeping of any Grey-hound Setting dogs, to take Partridges, &c.

Selling of any Deer, Hare, Partridge or Pheasant, *Ibid.* at. 1. *Fac. cap.* 27.

For Hawking between the first day of July and the last of August, *See Tit.* Partridges.

Of Overseers of the Poor negligent in the Execution of their Office, *See Tit.* Poor.

Of Parents, or Children not relieving each other according to the order of Sessions, *Ibid.*

Of such as shall be put out of their Parish, which ought not to be put out, *Ibid.*

Of such as shall any manner of ways disturb the relief or settling of the Poor, *Ibid.*

Of Persons absenting themselves from Church, &c. upon Sundays, &c. *See Tit.* Recusants, 3 *Fac. cap.* 4. 31 *Eliz. cap.* 2.

Of Persons hindring the Execution of the Law made the 39 *Eliz.* concerning the punishing or Conveying Rogues, *See Tit.* Rogues.

Of Constables not receiving a Rogue, delivered to him, or not delivering him to the next Constable, *Ibid.*

Of a Parson for not Reading Common Prayer once a Month, 14 *Car.* 2. *cap.* 14.

Of a third part of the forfeitures upon the Excise Acts.

Of the third part of the forfeitures upon Conventicles, by the Statute of, *Car.* 2.

Of the third part of the forfeitures concerning Highways, 22 *Car.* 2.

Of a Town not receiving a Rogue sent thither to be settled.

Of a Minister not keeping a Register Book, or not entering therein the Testimonials made for conveying Rogues punished in his Parish.

Of Constables not doing their endeavour, to apprehend, punish and convey all Rogues.

Of any Person who shall not apprehend any Rogue begging at his door, Or bringing any Rogue into the Realm.

Of Profane Swearers or Cursers, according to their quality.

Of Carriers and Drovers, &c. Travelling upon the Sunday.

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Of Butchers killing or selling Meat upon that day.

See the Statute. 14 Car. 2 cap. 12. with is now expired save only as to the Provision thereby made for one or more Corporations, or Work-houses to be made within London, Middlesex, or Surrey, and within the Limits of the weekly Bills of Mortality and for Regulating the same, where provision is made.

That in London the Lord Mayor shall be president, the Aldermen and fifty two Citizens to be chosen by the Common Council shall be Assistants, and that all these shall choose a Deputy Treasurer, &c.

That the Lord Chancellors, &c. in the City of Westminster chuse the President, &c. and the vacancies to be supplied by the Justices.

That in Middlesex, and Surrey the President, &c. shall be named, and upon any vacancy supplied by the Sessions respectively.

Which President, &c. shall be a body Corporate and may purchase not exceeding three hundred pounds *per annum*.

The Justices at every Quarter Sessions must take an account of the Treasurer, &c.

The President, &c. may Apprehend Rogues, &c. within their Precincts and set them to work.

If the President certify the defect of a Stock to the Common Council in London, and Justices at the Sessions for Surrey and Middlesex they may rate the Inhabitants not exceeding one years Rate, and proportion the same, and the Appeals shall go to the next Sessions.

These may by Warrant Authorize the Church-wardens, &c. to receive the Money so Assessed, or levy the same by distress, *See the Statute at large.*

CHAP.

CHAP. LXXVI.

Of *Posse Comitatus*.

IN all cases where the Justices of Peace Sheriff, or other Officer is enabled to take the Power of the County, he may Command the Attendants of all Knights, Yeomen, Husbandmen, Laborours, Tradesmen, Servants and Apprentices, all other Persons above the Age of fifteen and under years able to Travel.

But Women, Ecclesiastical Persons, and decrepit or diseased Persons, shall not be compelled to attend them.

In such cases it is referred to the discretion of the Justices, &c. what number he will have, and after what manner they shall be Armed.

Any Justice, Sheriff may take what number he pleases in his own County to Arrest and Imprison Traytors, Murderers, Robbers and other Felons, such as do break or go about to Disturb the Kings Peace, and all Persons required ought to Assist them.

The Justice, Sheriff or under Sheriff may take the *Posse Comitatus* to suppress, *Riots vid. Tit. Riots.*

One Justice alone may take the Power of the County for suppressing Riots. 14. H. 7. f. 8.

One Justice, in case of a forceable entry, may take the *Posse Comitatus*, to remove the Person, as by his own view, or by inquisition taken before him, shall be bound to have made any forceable entry or detainer with force.

The Sheriff or other Officer upon Warrant for the Apprehending of any Popish Reculant, may take the Power of the County, 3. Jac. cap. 4.

The Sheriff, under Sheriff, or Bayliff, &c. if need be, may, by the common Law, take the power of the County to Execute the Kings Process, Writ, whither it be of Execution, Replevin, &c.

Such as shall not Assist being lawfully required shall fine to the King.

If a *Supplicavit* be directed to a Justice, he may upon resistance either by himself or by his Warrant take the *Poss. Comitatus* to Arrest the Party though he be a Peer, *Co. 5. 15.*

Besides this the Sheriff is enabled by his Writ of Assistance under the great Seal which Commands all Archbishops, Bishops, Dukes, Earls, Barons, and other Subjects within the same County, to be aiding to him in whatsoever concerns his Office.

The Constable of a Town upon an Affray or a Felony committed, or where one hath hurt another whereby he is in peril of death, or to Execute the Warrant of a Justice of Peace may take the aide of his Neighbours, or of other Persons present to Execute his Office, *5 H. 7. cap. 10. 13 H. 7. cap. 10 Bro. Tresp. 432.*

And indeed every Conservator of the Peace at Common Law. *viz.*

High Constables, Petty Constables, Coroners, Sheriffs, Stewards of the Leet, or of a Court of Py-powders, Steward of the Sheriffs Turn, or other Judges of any Court of Record, may take ~~more~~ help of others, to pacify and Arrest all such who in their presence, and within their Jurisdiction shall go about to break the Peace by deed or word, *28 Ed. 3. cap. 8.*

Every Person may Assemble his Friends and Neighbours to defend his Person, &c. being in his house, against violence, &c. but not to go abroad with them to a Fair or Market, &c. *Co. 11. f. 82. 21 H. 7. cap. 39.*

CHAP. LXXVII.

Of Preachers.

If any Person shall maliciously disturb any Preacher in time of Sermon or divine Service, or be procuring, abetting thereunto, or shall rescue, &c. any offender therein, every Justice within the County upon due Accusation, shall commit such Offenders brought before him to safe Custody, by *1 Ma. Cap. 3.*

Within

Within one day after such Commitment, one other Justice of that Shire, joining with the Justice that committed the Offender, shall examine the Offender, and if they shall find him guilty by two Witnesses or Confession, they shall Commit him to Gaol without Bail for three Months, then next ensuing, and further to the next Quarter Sessions, &c.

There are some of opinion that this Statute is wholly Repealed by 1 *Eli. cap. 2. See Lamb. 199.* And of the same opinion was Sir *Nicholas Hilde* at *Bury Assizes Anno. 1629.* But it seems that this Matter about disturbance of Preachers is a Several statute by it self, and unrepealed, and of this opinion was *Crompt. f. 14.*

CHAP. LXXVIII.

Of Prisoners.

ANy Justice which shall Commit for any Offence (if the Offender being of ability shall refuse to defray the Charge of guarding him, &c. to the Gaol, or not pay the same at the time of his Commitment) may grant his Warrant, &c. to the Constable, &c. of the Hundred, or Town where such Offender shall be dwelling, or where he shall have any Goods within that County, &c. to sell so much of his goods as will satisfy such Charges; the Appraifment to be made by four Inhabitants of the same place, rendring the Over-plus. And where the Offender hath not goods the Charge shall be born, where he was taken, and the Taxation made for that purpose shall be allowed under the hand of one Justice. *See Stat. 1. c. 1.*

The next Justices or the Quarter Sessions may adjudge what is fitting to be taken for each nights lodging, or other Expences by any under Sheriff, Bayliff, &c. who hath any Person in his custody by virtue of any Process &c. whilst he is under Arrest and not yet carried to Prison

22, 23. *car. 2.*

Three

Three Justices *Quorum unus*, may Settle what Fees any person shall pay for his Commitment, discharge, and Chamber Rent, *Ibid.*

All Justices shall use their endeavors to find out all Legacies, &c. to poor Prisoners for Debt, and to send for any Writing, Will, Deeds, &c. touching the same, and also any person concerned therein and to make Order thereupon, *Ibid.* All which shall be signed and Confirmed by the Justices of Peace, and Judge of Assize, and hung up in a Table of every Gaol, and also Registered by the Clerk of the Peace, after which no other, nor greater Fees may be taken, *Ibid.*

The Quarter Sessions may provide a Stock to set Prisoners on work, which shall be levied in such manner as other County charges are raised, and provide fit Persons to oversee them; Make order therein, which from time to time they may alter and amend, provided that no Parish be rated above six pence a week, 19 Car. 2. cap. 4.

The Sheriff or Person which hath the Custody of the Gaol by consent of four Justices *Quorum unus*, upon emergent occasions may provide other safe places for removal of sick Persons in his Custody; The like may be done in Corporations, *Ibid.*

CHAP. LXXIX.

Of Process.

THE Court being possessed of the Cause, must of duty proceed to the Tryal of it, which cannot be done indifferently, except the offender be as well heard to discharge himself, as others to accuse him.

Therefore if he be present, and confess the Indictment, he shall be forthwith committed till he make Fine, or give Suretys, 1 H. 7. 20. Bro. Imp. 100.

If he be absent Process shall be awarded against him to come in and make his answer.

An Indictment or Information being but an Accusation against him, is none other force but to put him to answer

answer, and hercof Process hath the name because it proceedeth on former matter, either Original or Judicial.

The authority of making Process upon Indictments, is given by expresse words in the Commission. In other cases by some Statutes and sometimes to Justices out of their Sessions, sometimes to one single Justice, See *Tit. Forcible Entry*, and *Tit. Sheriffs*.

It is likewise in other cases implied of Congruence or rather of necessity, in the words hear and determine. As where power is given to the Justices out of Sessions to hear and determine, See *Tit. Riots*, *Tit. weights*, for otherwise the Justices cannot proceed unless the Party come in *gratis*, See *3 Ed. 6. cap. 14*.

The Warrant of a Justice is only to attach and convene the Party before Indictment, and may be either in the name of the King, or of the Justice. Process, is always in the name of the King and after an Indictment found, or after other Conviction.

First a *Venire* is usually Awarded by the Justices under their own Teste if the Party be absent. And if thereupon he be returned sufficient and makes default a *Distringas* is to be Awarded infinite till he come in. But if a *Nihil habet*, &c. be returned at first, then after a *Venire Fac.* a *Capias*, then an *Alias*, and after a *Process* shall go forth, and after that an *Exigent* till the party yeild himself, be taken, or Outlawed.

These are the ordinary Process upon Indictment of Trespass against the Penal Statutes, not being Felony or greater Offence.

These Processes shall be directed to the Sheriff, except himself or his Officers be Parties, and then it seemeth such Process shall be directed to the Coroners of the County, 2 *H. 8. cap. 12*. 8 *H. 6. cap. 30*. 9 *H. 6. cap. 11*.

The Kings Process must be with a *Non omittas propter aliquam liberitatem*, &c. But the Teste may be under the name of a Justice.

If the party be Out-lawed, the Justices can make no *Capias* *ullegatum*, but must certifie the Utlary to the Kings Bench, *Lamb. 503*.

Process (as well of *Capias*, &c. as of Utlawry) may be stayed by a *Superfedens* from other Justices testifying that the Party found Suretys to answer, or to pay his fine, *Lamb. 500*.

The Authority of Justices in sending these Processes out

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out of Sessions, is beyond the bounds of their Commission, and therefore they must have the Authority of some Statute either express, or at least by implication.

By the Statute, 11 H. 6. cap. 6. Provided that no Plea, Suit, or Process taken before Justices shall be discontinued by a new Commission of the Peace.

Observe these Processes in the cases ensuing.

A Justice of the County, or Town Corporate, may award as many Writs of *Capias* as shall be necessary to any Sheriff or Officer in another County, where a Servant or Apprentice in Husbandry, &c. resident which hath departed from his Master, contrary to the Statute, 5 Eliz. cap. 4. And these may be made returnable before himself what time he pleaseth, See 2 H. 5. cap. 4.

Justices in a County where a Person is Indicted of Felony, may Award Process to the Sheriff of another County where the Party is abiding to Apprehend, 5 Ed. 8. cap. 11.

In such cases there must issue two *Capias*'s the latter of which must be with Proclamations, and ought to contain three Months betwixt Teste and return, 8 H. 6. cap. 10. If the party Indicted be named in the Indictment in another County by an *Alias dictus* this is out of the said Statute because the *Alias dictus* is not Traversable, 1 Ed. 4. c. 1.

An Exigent shall not go forth against the Accessory, till the Principal be Attaint, *Westm.* 1. c. 14. and 43 Ed. 3.

Process of Outlawry shall be Awarded upon an Indictment of Trespass and Conspiracy, and of Routs in the presence of the Justices, if the Offenders cannot be brought in, 18 Ed. 3. c. 1, 2.

No Outlawry lyes on an Indictment of Forestalling or Maintenance upon an Original, 8 H. 6. c. 37.

If an Exigent upon an Indictment before Justices of Peace be returned *Quartus exactus*, an Exigent *de novo* shall issue forth.

An Infant of seven years old is Outlawed, this is not good but Error, *Dy.* 239.

If a man be Arraigned of Felony before Justices of Peace, they may award Process to try him the next day, 22 Ed. 4. c. 44.

Upon the Statute 22 H. 8. c. 65. concerning Bridges,
such

such Process shall be Awarded, as shall be thought fit by the Justices.

Upon presentments on the Statute of Liverys, Maintenance, unlawful Games, &c. a *Venire Capias*, and *Exigent* were appointed to be the Process, 33 *H. 6.* 10. But now that Statute being Repealed; *Quere*, what Process, and the Statutes of Labourers, by 23 *H. 6.* 13. *Attach. Capias* and *Exigent* were appointed to be the Process. See 5 *Eliz.* c. 4. if it be not altered.

Two *Capias*'s and *Exigent* and a *Capias Vilagatum*, shall issue on an Indictment upon the 1 *Eliz.* 1. for depraving the Sacrament, &c.

Now Justices may Award Process on Indictments taken before former Justices, 11 *H. 6.* 6.

If a Process be Awarded on Indictment before Justices of the Peace, and before the King dyes and new Justices are made by the Successors, this Process may be returned at the day before such new Justices, Dy. 166. it being on an Original and in a Court of Record.

The Justices of the Peace may Award such Process upon an Indictment, removed before them from the Town or Leet as should have issued if it had been taken Originally before them, 1 *Ed. 4.* cap. 2. *Stamp.* 87. 4. *Ed.* 4. 30.

Justices may Award an Atachment to the Sheriff in any County whatsoever, returnable before themselves against such person (there abiding) as having been Collector for Moneys Assessed for building of Gaols, refuseth to give an account thereof, 23 *H. 8.* 5. 5 *Eliz.* cap. 24.

The Justices may Award the same Process against Inholders baking Horse bread unlawfully as is usual in case of Trespass against the Peace, 32 *H. 8.* 41.

The like Process shall be Awarded, where the Sheriff or Bayliff of a Franchise is Indicted for not executing Process upon the 8 *H. 6.* cap. 9. of Forceable Entries.

Process shall be Awarded against Foretallers, Regretors and Ingrossers upon the 5 *Ed. 6.* cap. 14. as if they were Indicted by inquisition or Verdict of twelve men.

The like Process shall be Awarded, 5 *Ed. 6.* 25. against him that hath broken his Recognizance, for keeping an

an Alehouse to shew cause why it should not be forfeited.

The like Process shall issue against such as use false Measures, Weights contrary to 11 H. 7. 4. as usually issues for the breach of the Peace.

If an Escheator have not forty pounds *per annum* for his life, or let out his Office to Farm, the like Process lyes against him, as in case of a Trespass with force, 12 Ed. 4. cap. 9.

Like Process shall issue against him which is Indicted upon the 25 H. 8. cap. 13. (for keeping more Sheep then are there allowed) as is usual in Trespass before Justices of the Peace.

If an Erroneous Process be Awarded by the Justices they may amend it, at any time pending the Process and Award such Process as is fitting with a *Superseas* to stop the Execution of such as was Erroneous, 40 Ed. 3. 16.

The Justices for the offences mentioned in the 27 El. 12. for Sheriffs, &c. not taking the Oaths upon Conviction, may Award for forfeitures, by *Fieri facias*, Attachment, *Capias* or Extent.

CHAP. LXXX.

Of Prophecies.

If any one shall publish by Writing, Speech or Deed, &c. any phantastical or false Prophecie, upon or by occasion of any Armes, Fields, Beasts, &c. or by reason of any time, year, day, &c. make any Rebellion or disturbance in the Realm, &c. he shall be imprisoned for a year without Bail, and forfeit ten pounds; for the second offence be imprisoned for life, and forfeit all his Goods to the King and Prosecuter, 5 Eliz. cap. 15.

Justices of the Peace have Authority to hear and determine these offences, so as the party be accused within six Months, but it seems such as contrary to this Act, shall publish false Prophecies, with intent to
D
raite

raise Rebellion, are not to be imprisoned for one year without Bail, by only one Justice, or by any greater number of Justices otherwise then in the Sessions.

CHAP. LXXXI.

Purbeyance.

IF any buyer or Officer of any Lord, or other Person do take any Victuals, &c. or any other thing whatsoever of any of the Kings People against their will (without lawful bargain made) then upon request to the Major, Sheriff, &c. or other the Kings Ministers (under the word Justice are comprehended) of Citys, Boroughs, Countys &c. where such taking shall be; The said Major, &c. shall presently Arrest such Buyer and Officer offending, and them send to the Kings next Prison; there to remain without Bail, till they have redelivered the said goods or paid the value. 23 *H. 6. cap. 14.*

No Person by Commission &c. or by Colour of Purbeyance, for the King, Queen, &c. shall take Timber Fuel Cattle, Corn, &c. or other thing whatsoever without the Owners free Consent, nor Summon any Carriage for such use, without the owners like consent. 12 *Car 12. cap. 24.*

No Provision shall be allowed in behalf of the King, &c. in or out, of Market, but the Kings Subjects may sell their goods as they list. *Ibid.*

If any Person shall make Provision or Pureyancy for the King, &c. or impose any Carriage, on pretence or Colour of any Warrant whatsoever, any one or two Justices next adjoyning, and the Constables of the Parish are hereby enjoyned to commit the Offendor, till the next Sessions, there to be Indicted at the request of the Party greived; who shall recover treble damages and treble cost, *Ibid.*

CHAP. LXXXII.

Of Quakers

Persons so called, being of the Age of sixteen years, or more, may not Assemble above five in number, under pretence of Religious Worship upon penalty for the first offence, to pay a fine, not exceeding five pounds upon Conviction, by Verdict, Confession, or notorious Evidence of the Fact; And after such Conviction, for the second Offence ten pounds being Convicted thereof, in manner aforesaid, which penaltys shall be levied by distress, such upon Warrant of the Party, before whom, the Conviction shall be, and want of distress, and non payment in one week after, for the First offence three Months Imprisonment in the Gaol, or House of Correction; for the second six Months without Bail, the penaltys to be employed, to maintain the House of Correction, for the third Offence, the Party shall Abjure, or the King may Transport him to any of his Plantations, 13, 14. *Car. 2. cap. 1.*

Justices of Oyer & Terminer Assize, Gaol delivery, and of the Peace in open Sessions, may hear and determine offences against this Act, Any Justice, Major, &c. may Commit or Bind over, &c. in order to Conviction *Ibid.*

Such Persons as after Conviction shall take such Oath (for refusal whereof they stand convicted) and give security to forbear such unlawful Assemblies, shall be discharged of all the said Penalties, *Ibid.*

Lords of Parliament to be tryed for every third Offence by their Peers.

CHAP. LXXXIII.

Of Recognisance in general.

A Recognisance is a Bond of Record taken usually by a Judge or Officer of Record testifying the Recognisor to owe a certain sum of Money to some other.

These the Justices of Peace are in some cases enabled to take by express Statute; In other cases it is rather by Congruity, then either by their Commission or Statute.

Note, Where ever a Statute gives them Power to take a Bond, to bind any man, to appear at the Assizes, &c. to take suretys for any matter, or but to cause a Person to do any thing; In all these cases they have (in congruity) Power given them to bind the party by Recognisance to do it; or commit him.

In the cases following the Justices out of Sessions may take Recognisance.

One Justice may take Recognisances for the Peace or good behavior by their Commission upon complaint made to them, or upon a *Supplicavit* delivered to them.

One Justice may bind by Recognisances such as declare any thing against a Felon to appear at the Assizes, &c.

May bind such as keep Common Alehouses, &c. or unlawful Games that they keep them no longer. And such as play at unlawful Games that they use the same no more, 33 H. 8. cap. 9.

May bind over Persons suspected to use Logwood in Dying, and such as can discover the same.

May bind takers of Partridges, &c. and Hawkers in Corn to appear at next Sessions, *vid. Title.* Partridges.

May bind Persons Convict for destroying Pheasants, &c. that they Offend not thereafter.

May bind a Master misusing his Apprentices, &c. to appear at next Sessions, &c. *Vid. Title.* Apprentices.

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Two Justices may take Recognisances of Alehouse-keepers for keeping good Orders.

May bind an Alehouse-keeper (committed for Vistualing without License) that he keep no more an Alehouse.

May Bail Prisoners to find suretys for their appearance, &c.

May bind the Overseers of Cloth to see the Statute observed.

May bind the Defendant in a suit of Tyths to obey the sentence of the Judge.

May bind an Offender of a Penal Statute to appear at the Sessions.

Every Recognisance taken by a Justice must be made *Domino Regi* on pain of imprisonment of any Person who shall take it otherwise. And all Recognisances shall be in the nature of Statutes Staple, 33 H. 8. cap. 39.

A Justice can take no Recognisance but only for such matters as concern his Office.

A Recognisance taken by a Justice is matter of Record presently though it be not entred in his Book, *Stamp. 77. a. Br. Record. 58.*

If a Justice take a Recognisance where he hath no power it is absolutely void.

These Recognisances are to be certified by the Justices at the next Quarter Sessions, except such as are to inform against Felons, and upon Bailment of Felons, which upon Statutes they are to do at the next Quarter Sessions, 3 H. 7. cap. 1.

If a Recognisance for the Peace be taken by a Justice *ex Officio*, the number and sufficiency of the Suretys, the sum wherein, &c. And the time how long is wholly left to his discretion, but if it be taken by virtue of a *Supplicavit*, &c. it must be done as the Writ prescribes, yet if no sum be expressed therein, &c. The Justice as to such matter is left to his liberty.

Justices in their Sessions may examine the Suretys upon Oath of their sufficiency, *Crompt. 194.*

If a Justice bind one for his life he cannot afterwards release him. If the Recognisance be general and not time limited it shall be intended for life. If no mention be made in the Recognisance, or in the condition of it, that it is for the Preservation of the Peace, such

Recognisance seems to be void, so it is if the Party be bound not to beat or maim J. S. for it ought to be to keep the Peace in general, but it is good though no time of apparence be contained in it.

A Recognisance to keep the Peace towards the King and all his People, Or towards A. only, Or towards A. and his Servants is good, A Justice who takes Recognisances by virtue of a *Supplicavit*, may keep it uncertified till he receive a *Certiorari*.

The Justices cannot Award any Process upon a Recognisance forfeited, but they must certify the same, with the cause of forfeiture into some of the Courts at *Westminster*.

Note, if the Suretys die the principal is not compellable to find new ones.

What Act
shall be afor-
feiture of the
Recogni-
sances.

Whatever is a breach of the Peace is forfeiture of the Recognisance entred into for the keeping it.

Menacing words to the Person himself at whose suit he was bound to the Peace is a breach of it; otherwise it is in the absence of such Party, unless he lyes in wait to put that in Execution which he hath spoken. Every Assault, Battery, going with Armour, or unusual attendance in terror of the People, commanding another to break the Peace, if it be afterward done, False imprisoning, Thrusting another into the Water whereby he is in danger of Drowning, Ravishing of a Woman, Committing Burglary, Robbery, Murder, or Manslaughter, or procuring the same, Treason against the Kings Person, Assembling Riotously, Wounding one another at Back-sword, &c. though they play by consent. Retaining a Servant departed against his will. All these are forfeitures of the Recognisances.

What shall
be no for-
feiture.

But if the Parent chastise his Child within age, The Master his Servant or Apprentice, the School Master his Schollars. The Gaoler his unruly Prisoners; A Person confining his Mad Relations. A Constable, &c. striking a Person that will not yield to his Arrest, Beating of another in defence of his own Person, or the Person of his Father, Mother, Master, Child within Age (not able to defend himself) Or of his Goods, or Possession, his lawful way, or Antient Water-course, the Executing the Law as Whipping, &c. by an Officer authorized, Unlawful entring into Lands, &c. (though with force) so that it be without violence to the Person of any one, or

Terror

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Terror to the People, or taking away another mans Goods wrongfully or feloniously, so it be not from his Person. All these are no forfeitures of the Recognisances.

Note, If a man be bound for himself and his Servants, if any of them break the Peace the whole Recognisance is forfeited.

If a Person be to appear at a Certain day his Appearance must be Recorded to have been on that very day. What shall discharge the Recognisance.
One bound generally to the King, and all his People may (upon his appearance at the Sessions) be discharged by Proclamation.

The Conusor must appear and his appearance be Recorded, though his Recognisance be not certified by the Justice.

If the Recognisance be removed by *Certiorari*, the Conusor need not appear at the Sessions, for the Justices cannot call him having nothing before them.

Neither the Kings Justice, or party, can release or otherwise discharge one bound to the Peace for his life, one bound to the Justice by his discretion to appear at a certain day, may be released by him; And this shall excuse his appearance.

A Recognisance to keep the Peace toward, A. only shall be released by A. alone, and such release certified to the Sessions discharge the Conusor of his Appearance; so it is of a Recognisance *Versus Cunctum populum* & *præcipue versus A.* It seems A. may release it.

The Justice ought to certify the Recognisance to the Sessions though released.

Note, the Peace may be released before any Justice ore *venus* and a *Relaxatur* is entred thereupon; For a release under Hand and Seal is void.

The Demise of the King; The death of the Conusor, be it of him at whose Suit the Peace was granted (whether the same were to be kept towards himself alone, or *versus Cunctum populum*, & *præcipue versus* himself) shall discharge the Recognisance.

CHAP. LXXXIV.

Recusants.

THIS word Recusant doth properly signify such Person only as on account of Adherence to the Church of *Rome*, in her meerly pretended Supremacy over other Churches, doth deny to Temporal Princes claiming under God Imperial Throns, that Supremacy which they lawfully claim as their charge and duty, and which by the Statute of 26 *H. 8. cap. 1.* is Justly requited to the Imperial Crown of this Kingdom. Former Princes had lott the branches, but this Prince laid the Ax to the Root. By Statute, 24 *H. 8. cap. 12.* he discharged all Appeals to *Rome*, by 25 *H. 8. cap. 26.* 26. *H. 8. cap. 3.* he prevented the Court of *Rome* from receiving first Fruits, By 25 *H. 8. cap. 21.* he took off the payment of all impositions to *Rome*, Lastly by the aforementioned Statute, 26 *H. 8. cap. 1.* to compleat all he reassumed the Supremacy; And so it continued all his Reign, and his Sons, and the beginning of Queen *Marys*. But at length she began to omit it in her stile, and at length prevailed for an Act of Parliament to Repeal it. But that Statute of Repeal by 1 *Eliz. cap. 1.* was Repealed, All Forreign Jurisdiction put away, and the Antient Preheminencys of right belonging to the Crown of *England* most Justly reestablished, which hath happily continued to our days, and may they still remain the inseparable Diadems of the Crown to the end of time.

Sectaries.

But since those times other Statutes have been enacted against another sort of People called Sectaries disobeying some matters in causes Ecclesiastical, some of them forbearing to come to Church, though not on Popish designs; against these Sectaries, 35 *Eliz. cap. 2.* was made, and many other Laws since that time.

Both of these sorts of People have been call'd Recusants promiscuously of late times, and the Laws made against the former

former have been likewise put in Execution against the latter; However I will make the distinction as well as I can, and shew you.

1. What Statutes are said to extend to them both, such are, 1 *Eliz. cap. 1.* 1 *Eliz. cap. 2.* 8 *Eliz. cap. 1.* 23 *Eliz. cap. 1.* 5 *Eliz. cap. 1.* 13 *Eliz. cap. 2.* 35 *Eliz. cap. 1.* 35 *Eliz. cap. 2.* 1 *Fac. cap. 4.* 3 *Fac. cap. 4.* 3 *Fac. cap. 5.* 7 *Fac. c. 2.* 7 *Fac. cap. 6.* 29 *Eliz. cap. 6.* 3 *Car. 2.* 27 *Eliz. cap. 2.* all which are still in force, particularly that of the, 35 *Eliz. c. 1.* as is declared by the, 16 *Car. 2, c. 4.*

I shall observe some material differences between them Statutes: 34 *Eliz. c. 1.* requires Conformity from all Persons or abjuration, 35 *Eliz. c. 2.* relates only to Persons of mean Estates, or forfeiture of Goods and Land.

Married Women are excepted out of the first, but within the other, as to all matter, but Abjuration.

Recusancy stands in two particulars, absentment from the Church, Refusing the Oath, 1 *Eliz. c. 1.* 3 *Fac. c. 4.*

Every Person (without reasonable excuse) shall resort to his Parish Church, &c. or to some usual place where Common Prayer, &c. shall be used upon every Sunday and Holy-day on pain of the Censures of the Church, and to pay twelve pence for every Offence to be levied by the Church-Wardens to the use of the Poor, Statute 23 *Eliz. c. 1.* saith that every Person sixteen years old not repairing to some Church, &c. contrary to the 1 *El. c. 2.* shall forfeit for every Month twenty pounds &c.

1. Note, It needs not be aver'd in an Indictment upon the 1 *Eliz. c. 2.* that the Offender was an Inhabitant, for that ought to come of the other side. And *Manocks case. M. 3 Fac. cap. 1.*

2. Statute, 23 *Eliz. cap. 1.* says (being thereof Convicted) which is not intended a former Conviction but upon the same Action. Dr. *Fosters case 3.*

3. The Statute of the 23 *Eliz.* mentioneth a Person of sixteen years old, &c. an Indictment which says, *excessus Aet. 16.* shall relate to the time of the offence, not of the Indictment, *Talboys case.*

4. Feme Coverts are within the 1 *Eli. cap. 2.* and 23 *Eli. cap. 1.*

And

And an Information lyes against the Husband, *Laws case. P. 13. Fac.*

5. The penalty of twelve pence a Sunday, and twenty pounds *Per mensem*, shall be both paid.

6. Statute the 1 *Eli. c. 2.* Extends to Sundays and Holy-dayes, but the 23 *Eli. c. 1. and 3 Fac. c. 4.*

7. It is holden by some Persons that repairing to Church every Sunday must be as well to Evening as to Morning Prayers.

Now that you may know what are Holy-days I refer you to the 5, 6 *Ed. 6. c. 3* and to the Rubrick.

The Oath of Supremacy must be taken by Spiritual Persons by all Lay-persons preferred by the King to any Office, from such Persons as are appointed by Statute 5 *Eli. c. 1.*

If any Person by Writing, &c. shall maintain the Authority or Jurisdiction, &c. of any foreign Prince, Prelate, &c. such Offender, shall forfeit to the King all his Goods and Chattels. And if his Goods shall not be worth the sum of twenty pounds, then over and above the forfeiture of his said Goods, he shall be imprisoned for a year; 1 *Eli. c. 1.*

If he be a Spiritual person he shall forfeit all his spiritual promotions, and for the second Offence incur the penalty of a *Premunire*, and for the third Offence suffer as for Treason, *Ibid.*

All Persons admitted *In ordines Sacros*, or Graduates in the Universityes, School-Masters, Persons taking all degrees of Learning at Common-Law, all Attornys, &c. All persons belonging to the Canon or any other Law admitted in *England*, &c. shall take the said Oath, *Ibid.*

The punishment is a *Premunire*, the Offenders may be returned into the Kings-Bench, and there Indicted, &c. *Ibid.*

If any person above sixteen, absenting from Church one Month, shall perswade the Queens Subjects to oppose her Authority Ecclesiastical, &c. he shall be committed without Bail till Conformity, being required by the Bishop, or Justice of Peace, &c. or abjure the Realm, 35. *Eli. c. 1.*

If such person shall refuse to abjure, or not depart or return afterwards, &c. he shall be judged a Felon, *Ibid.*

Such abjuration shall be entred upon Record by such Justices

Justices, before whom it shall be made, and by them it shall be certified to the next Gaol delivery, *Ibid.*

If before Abjuration the Party shall go to Church and declare his Conformity, he shall be discharged, which the Minister shall enter into a Book and certify to the Bishop. *Ibid.*

If a Party shall relapse, not go to Church, or go to Conventicles his submission shall become void, *Ibid.*

The Penalties by 23 *Eli. c. 1.* and 35. *Eli. c. 1* shall be recovered to the Queens use by debt &c. in the Kings Bench, &c. a third whereof shall go to charitable uses.

Every Person above sixteen, being a Popish Recusant convict of absence from the Church, shall within forty days after, if at liberty; within twenty, if restrained, repair to the place of his abode, and not remove five miles thence on pain to loose his goods, &c. and his Lands for life. If he hath not a biding place, to the place of his Birth, or where his Parents dwell, in which place he shall give his Name to the Minister, Constable, &c. to be entered in a Book which shall be kept in the Parish, and this shall be certified to the Sessions, and there enrolled, 35. *Eli. cap. 2.*

A Popish Recusant Convict (not having twenty-mark Freehold *per annum*, or forty pounds in Goods, nor a Femme Covert) which shall not repair to such place, &c. or shall after remove five miles thence and not conform in three Months, *ut Supra.* Two Justices or a Coroner may require him to Abjure, which shall be entred, &c. *ut Supra* 35. *Eli. cap. 1.* which was made against Secularies, this only against Popish Recusants, *See the form of Submission in each case.*

All fraudulent Conveyances made by such Persons for their own maintenance, or with power of Revocation are void, 29 *Eli. cap. 6.*

Convictions of Recusancy shall be in the Kings-Bench, Assize or Gaol delivery and not else where, from whence they shall be Estreated into the Exchequer the next Term, 27 *Eli. cap. 6.* But see *Hob. 204.* that debt or information lyes in the Common Pleas. Indictments in the Kings-Bench. The Persons Convicted shall pay their forfeitures into the Exchequer twice a year, without further Conviction, or else Process shall issue to seise their goods, and three parts of their Lands, 29 *Eli. 6.*

No

No Indictment shall be quashed, or reversed for lack of form or for other matter, save only by Traverse for not coming to Church, but if he Conform *ut Supra* may discharge the Indictment, &c. 29 Eliz. c. 3 *Fac. c. 4.*

Upon such Indictment Proclamation shall be made that the Offender render himself to the Sheriff before the next Assises, Else he shall stand Convict as upon Tryal, 3 *Fac. c. 4.*

The Justices of Peace may determine these Offences &c.

The King may refuse the twenty pounds *per messem*, and take the two parts of the Lands and of the Good, &c. And an Advowson is without that clause *Fours. Reg. 20.*

A Popish Recusant that Conforms shall within a year after take the Sacrament, and so every year or forfeit twenty pounds for the first forty pounds for the second, and sixty pounds for the third, and every year after till he receive, 3 *Fac. c. 4.*

Any Offender against the 23 Eliz. c. 1. (except for Treason or misprision) which shall Conform. &c. before judgment, shall be discharged upon his submission, from his first Offence, &c.

If any Person shall relieve, keep, &c. in his House any Servant Sorjourner, &c. who shall forbear Divine service for a Month together, &c. shall forfeit twenty pounds *per messem*. He that shall keep in his service Fee or Livery any Person which shall forbear to go to Church for a Month, shall for every such Month forfeit two hundred pounds, but he may keep his Father, Mother, &c. And Justices may determine all Offences against this Statute except Treason. Wives shall not forfeit for not taking the Sacrament, nor their Husbands for them, 3 *Fac. c. 4.*

Justices of Oyer and Terminer and of Assise must determine the Offences by the, 1 Eliz. c. 2. but Justices of Peace have likewise the same Power given them by 23 Eliz. c. 1. upon Indictments at their Sessions, so likewise touching the Offences by the 1, 5, 13 Eliz. except Treason and misprision.

All forfeitures shall be divided one third to the Queen, for herself, another to her for the Poor. and a third to the Prosecutor; In Court of Record, &c.

The

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The Sessions must likewise enquire of Offences against the, 5 *Eliz. c. 1.* or forfeit each of them one hundred pounds.

Any two Justices *Quorum unus* out of the Sessions may require any Person of eighteen years old Indicted of Recusancy, not coming to Church or to the Communion two years, or Travelling the Country, &c. not being a Peer, &c. to take the Oath of Allegiance and if he refuse the same, or to answer upon Oath, they may Commit him without Bail till the next Assises or Quarter Sessions, 3 *Fac. c. 4.*

Any two Justices may require any Persons under the degree of Baron to take the said Oath or Commit them 7 *Fac. cap. 6* by which Statute likewise if such Person shall be presented for not coming to Church, upon complaint to one Justice, he may require the Party to take the said Oath, or Commit him without Bail till the Assises, *Ibid.*

Persons reconciled to the Pope, returning into the Realm within six days after shall submit to his Majesty before two Justices, who shall certify the same to the Sessions, and administer them the Oaths of Allegiance and Supremacy, or for the default, pay forty pounds, they may likewise receive the submission of any subjects, (except Jesuits) brought up in Seminaries within six Months after their Arrival, 37 *Eliz. cap. 2.*

If a Feme Covert (not a Baroness) Convict of Recusancy shall not within three Months repair to Church &c. Two Justices *Quorum unus* may Commit her till she Conform, or her Husband pay ten pounds a Month, &c.

Church-Wardens, &c. shall once every year present the Monthly absence from Church of Popish Recusants, The names of their Childrens, &c. and of their Servants, to the Quarter Sessions or loose twenty shillings, &c. 3 *Fac. cap. 4.*

Every Person going beyond Sea to serve any Foreign Prince, &c. and not taking the Oath before the Custom Master shall be adjudged a Felon. A Gentleman, &c. which hath been a Captain, &c. going out of the Realm on such service shall be bound in twenty pounds not to be reconciled, &c. or be a Felon, which Bond and Oath shall be certified, &c. or forfeit, &c. 3 *Fac. cap. 4.* The branch of Treason in reconciling &c. shall be proceeded upon in the Kings-Bench, Assises, &c. *Ibid.* See, the Penaltys

penaltys of conveying a Child beyond Sea into any Colledge, &c. or to send them any money, &c. 1 *Fac. cap.* 4. 3 *Fac. cap.* 5, 3 *Car. cap.* 2.

All Armor Gun-powder, &c. in the house of any Popish Recusant or elsewhere by his disposition shall be taken away by the Warrant of four Justices in the Quarter Sessions, other then Arms necessary to be kept at the cost of such Recusants where the Justices shall appoint, 3 *Fac. cap.* 5. And if such Recusant shall refuse to declare to them where their Armor is, or hinder its delivery to such Offender shall be imprisoned without Bail for three Months by the Warrant of two Justices, *Ibid.*

No Recusant Convict shall come to the Kings Court, &c. on pain of hundred pounds or be Committed: But a Person hearing Divine service in his house and going to Church four times a year shall incur no Penalty, *Ibid.*

Two Justices may at any time Search the houses of Recusants Convict or of such whose Wife is so for Popish Books, Relicks, &c. which they shall deface, &c. *Ibid.*

Recusant in London or within ten Miles of it being Conded and not coming to Church, shall give his name to the Lord Major and depart within ten days or forfeit an hundred pounds, *Ibid.*

No Recusant Convict shall practice the Common or Civil Law, or Physick, or as an Apothecary, &c. nor bear any Office, &c. and pay hundred pounds, &c.

Recusant Convict shall be reputed excommunicated till Conformity, and it may be Pleaded in his disability in all Actions, &c. 3 *Fac. cap.* 4.

Recusant Convict Married otherwise then according to the Orders of the Church of England shall be disabled to be Tenant by the Curtisy; And a Woman shall loose her Dower, Joynture, &c. 3 *Fac. cap.* 5. If a Recusant Baptize not his Child at Church, &c. shall forfeit an hundred pounds, *Ibid.*

If a Recusant not excommunicated be not buried in Church or Church-yard, the Executor, &c. shall forfeit twenty pounds.

No Recusant Convict, shall present to any Ecclesiastical living but the Universitys shall present, *Ibid.*

No Recusant Convict shall be Executors, &c. or be Guardian

Guardian to, or have the Custody of, any Child, &c. but the next of Kin, &c. *Ibid.*

If any Person have any *Agnus Dei*, &c. offered to him and shall disclose the same to any Justice: such Justice within fourteen days shall discover it to the Privy Counsel, or incur the danger of a *Premunire*, 13 *Eliz. cap. 2.*

If any Person suspected to be a Jesuit, &c. shall refuse to answer the same to any having Authority to examine him, such examiner may Commit him without Bail till he answer, 35 *Eliz. cap. 2.*

Whosoever first discovers to a Justice of the Peace any Person entertaining any Jesuit, &c. or any Mass or any present there at, &c. within three days, by reason whereof any such Offenders shall be Convicted shall have the third part of the forfeiture, if it exceed not an hundred and fifty pounds. Or if it be above he shall have fifty pounds, &c.

No Person shall bring from beyond the Seas, nor Print, sell, or buy any Popish Primers, &c. upon pain of forty shillings every book, *Ibid.* and, 3 *Fac. cap. 4.*

If any Person be Convict of saying Mass he shall forfeit two hundred Marks and be Committed for one year. If any shall willingly hear Mass he shall forfeit two hundred pounds and be imprisoned for a year, 23 *Eliz. cap. 1.*

Recusants confined may be licenced by four Justices with the privity of the Bishop, &c. to Travel, &c. 35 *El. cap. 2.* 3 *Fac. cap. 5.*

In pleading such Licence he must shew that he hath taken the Oath of Allegiance, and that the cause of it is true, that it was granted by the Bishop or Lieutenant, &c. And if the same Person be Justice and Lieutenant, it will not serve, *Moor. Rep. 836.*

A Woman being a Recusant Convict (her Husband not being Convicted) and which shall not Conform a year before his death shall forfeit to the King two parts of her Joynture or Dower, and be disenabled to be executrix, or Administratrix to her Husband, 3 *Fac. cap. 5.*

CHAP. LXXXV.

Of Riots, Routs and unlawful Assemblies.

Unlawful
Assembly.

AN unlawful Assembly is, when three or more meet in one place armed in an unusual manner, or with an intention to commit with violence some unlawful Act which is *malum in se* and not only so but *malum prohibitum*, And that such their intention be declared by them, either by Words or Overt Acts.

A Riot.

A Riot is when being met together they set forward in order to the Execution of such design.

A Rout;

A Rout is when they actually put it in Execution. By the Statutes, 1 *Ma. cap. 12. and. 1 Eliz. cap. 16.* If above the number of two and under twelve Assembled together, shall go about unlawfully to kill any subject, cast open any Inclosures, or to destroy any Deer, &c. And shall not depart upon Proclamation made but afterwards attempt to commit the said Offences, every of them shall suffer imprisonment for one year without Bail.

What things
make a Riot.

If divers Persons are Assembled, and it be not known to what end and purpose they are met, this can be no Riot, nor Rout until their unlawful intent therein be known. If a Master (intending to commit a Riot) shall take with him his ordinary Servants, and some unlawful Act be done by them, this shall be no Riot because the Master did not make his Servant privy to his design before hand.

If divers Persons be lawfully Assembled; and make an Affray amongst themselves on a sudden, this is no Riot.

If several Persons be gathered together to put in Execution any part of the Law, or for the Exercise of their Valors, or Tryal of Activity, &c. this is no unlawful Assembly.

If Stage Players shall occasion an unusual and extraordinary Concourse of People, to see them Act their Tricks, this is an unlawful Assembly and a Riot, as it was held

by

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by the Lord-Chief-Justice, Co. M. 12 Jac. 2 Rep. f. 109.

To meet together and play at any Game prohibited by Statute only is no Riot.

If a great number of People detain the possession of a house with force, this is a Riot.

Any Person in a peaceable manner may Assemble a convenient number of People to Abate a Nuisance.

What shall be said to be no Riot,

If a man Erects a Ware Cross a River over the which the people have a Common passage with Boats, &c.

If any Person shall come with convenient Instruments as Spades, and Crows of Iron, &c. to remove this Ware it is no Riot, no though they cut a Trench in the Land of such Person as Erected the Ware, thereby to remove the Nuisance: But they must be sure to avoid any threatening words or breach of the Peace.

No Person may go in Company to the Church, Fair, or Market, &c. with any unusual Weapon to the Terror of the people, though he hath no intent to fight, &c. for this will be a Riot by the manner of going so, 2 Ed. 3. cap. 3. But to wear Privy Coats of Mail, Shirts of Mail, &c. with intent to defend themselves against some Adversary seems not to be punishable, for that nothing is done in *terrorem populi*, Crompt. 64.

Lord of a Coppy-holder did enter with twenty Persons to cut his Coppy-holders Corn, because he would not compound with him for it, and this was held to be a Riot in respect of the number and force though his Entry were lawful.

Any one Justice alone may use his best endeavour to prevent a Riot or Rout and also to stay it whilst it is doing.

And to this purpose he may imprison the Riotors, or bind them to the Good behavior; But being Committed, one Justice can no otherwise punish it then as a Trepas against the Peace, or upon the Statute of Northampton, or of Forceable Entrys, See the Title Riots.

How Riots shall be suppressed.

But one Justice sitting in a Judicial place, may Arrest Riotors and make Record thereof which shall be conclusive; Out of a place of Judicature he may Arrest, Record, and certify the Riot to the Sessions, but it is Treasonable, Cro. 41 Crompt. 65.

If a Justice pretending a Riot where in truth none was, the party may have Trespass against him, *Fitz. Just. 9 See Bro. Jud. 2. 10. contra.*

If the Statute, 13 H. 4 cap. 7 for Suppressing Riots, be not duly Executed the two next Justices to the place, shall forfeit an hundred pounds a peice, and every other Justice in the County in whom there is any default, shall be fined, *Dy. 2. 10. Lamb. 321. See Title Armor and forceable Entry*, And the Justice which shall first see the Riot, for not Arresting the Offenders, is punishable.

One Justice by the Statute. 1 Ma. cap. 12. 1 Ell. cap. 16. may make Proclamation in the Kings name for all Persons Riotously Assembled to depart, &c. P. 16. 27.

One Justice likewise (by the first *Assignavimus*, in the Commission) may cause to be kept all Statutes made for suppressing of Riots, force and violence.

If any two Justices of the County shall put in Execution the 13. H. 4. cap. 7. that shall excuse the two next Justices. If the two next Justices come (though the Sheriff be absent) and Arrest the Riotors, such Justice shall be excused from the said forfeiture of an hundred pounds, *Lamb. 321, 322. Quere.* If the other Justice of the County shall be excused from the said penalty.

Two Justices after the Riot Committed (though no Sheriff be present, as it seemeth) ought to enquire of the Riot, and if it be found, to Fine and Imprison the Riotors, *Cromp. 67. b.* But it is held by some, that the Justices cannot Record the Riot upon view, without the Sheriff and thereupon (without enquiry) Fine and Commit, &c. Others are of opinion to the contrary, because the Statute, 34 Ed. 3. cap. 1, inables two Justices to imprison and Fine Riotors, without enquiry. And therefore (say they,) they ought by Consequence to Record the Riot, *See Lamb. 291, 292.*

But it is the safer way for the Justices to certify the Record into the Kings-Bench, where the Offender shall be fined; But to wave any further debate, any power of Justices alone, we come now to shew you how they must proceed in Conjunction with the Sheriff to execute this Statute, 13 H. 4. cap. 7. And that upon the penalty of an hundred pounds a peice.

They must go to the place where the Riot shall be if they be able, and take with them (if need be) the power of

of the County; viz. Knights, and other temporal Persons under that degree above the age of fifteen and able to travel, which such Persons are obliged to perform upon pain of imprisonment and to make Fine and Ransom to the King, this Ransom is at least treble so much as the Fine, *Dy. 232. Sed Vide Co. Lit. 127.* That Fine and Ransom are all one, *Vid. 2 H. 5. cap. 8.*

They must Arrest all Offenders there present, and remove the Force by committing all Riotors, and taking away of their Weapons. All Persons in Company of the Riotors may be likewise Arrested &c. All Persons whom the Justices shall meet coming thence Riotously Armed may be likewise Arrested, &c. But no Riot can be Recorded to be done by them, because not in the view of the Justice, *Mar. Lec. 8 Cromp. 63.* Otherwise it is of those which Escape for it may be Recorded against them, yet they cannot be Arrested except it be done presently, neither can they be fined, or any Process be Awarded against them upon that Record; Or the Record it self be kept amongst other the Records of the Peace, but sent to the Kings-Bench, &c. *Lamb. 312.*

After the sight of the Riot, the Riotors Escape, and the Justices and Sheriff having Recorded the Riot, One of the Justices or Sheriff be put out of Commission or dies, yet shall the same be Certified into the Kings-Bench by the Survivors, *Lamb. 320.*

Otherwise if this shall happen after the Inquiry, and before the Certificate, for then it shall be Certified by *Certificari* as by *Fro. Rec. 17. 64. Lamb. 320.* The Justices likewise may grant their Warrants for such as they saw Committing the Riot (though they are escaped) and Commit them to Gaol till they find Surety for the Good behavior. The like Law if they be departed before the coming of the Justices; Or rather in such cases they may Proceed against them by Inquiry and fine them, &c. *34 Ed. 3. cap. 1.*

Justices in Execution of the Arrest of Riotors, &c. may justify the beating, wounding, nay killing of them which resist. And taking their Weapons, &c. to be appraised and answered to the King as forfeited.

After the Arrest, the Justices, and Sheriff &c. shall Record in writing the said Riot (*Scil.* All which they saw done against law,) without other Inquiry which

Record shall be a sufficient Conviction; If the Justices do not see the Riot, they cannot make a Record, but Inquire thereof.

So if two Justices and the Sheriff, &c. meet for any other cause, and a Riot happen before them, they may Record, Arrest, and Imprison &c. And if they Record a Riot and it appear to be none, yet the parties are concluded 9 H. 6. f. 60. Bro. Jud. 2. Fitts. f. 17.

The said Justices of Peace (and none other) shall commit such Offenders, to the Gaol, there to remain convicted by their view, Testimony and Record, as in case of (forceable entry) till they pay a Fine to the King. This commitment ought to be presently. And the County to be aiding to the Sheriff, to commit them.

The said Justices (and none other) shall assess the fines Co. 8. 40. These Fines by the Statute 2 H. 5. cap. 8. That thereout the Charges of them and other Officers might be born. The Payment whereof shall be made by the Sheriff by Indenture, betwixt him and the Justices, Lamb. 312. 5. 57. such Fine must be Assessed severally Co. 11. 43. 44.

Although the words of the Statute are, that the same Justice, (which came to see the Riot) shall inquire; Yet any other two Justices of that County may do it; And if it be not done within the Month, each of them is in danger to loose his hundred Pounds; But yet if it be done afterward, the Presentment is good.

And if the Justices charge the Jury within one Month, and give them one day to present afterwards, the Statute is fulfilled; Grand Riots are to be inquired of on the penalty of an hundred pounds within the Month, otherwise it seems of Petty-Riots.

At the Inquiry though the Sheriff, &c. must be present, yet he is but a Minister to return the Jury, otherwise it is in Arresting Riotors, and Recording them.

If the Justices, Sheriff and Jury do assemble within the Month, to inquire of a Riot and (the parties being agreed,) no one will give any Evidence for the King; Yet the Justice must proceed *ex officio*, for it may be some of the Jury might know of the Riot.

Besides Proclamation should be made that if any will give Evidence for the Kings, &c. they may come in, &c. Besides the Justices (for want of Evidence) may bind such persons to the good behaviour, as first made complaint to

to them of the Riot, and were the cause of their meeting.

After Inquiry and the Riot found, the Justices must make out Process (*sc. venire facias*) against the offenders under their own *Teste* to bring them in, and then fine and imprison them for the same, and when they pay or give Suretys for the same by Recognizance, for the same may release them: Otherwise they must take their Traverse; (If the Riot were not within their view) and if they appear not guilty then dismiss them; Or else send the Indictment and Traverse to the next Quarter Sessions or Kings-Bench, to be determined. *Lamb. 3. 15. Pul. de. P. 30.*

By the Statute of the 2 *H. 5. cap. 8.* The King is to bear the charges of the Justices which shall Execute the Statute of Riots, *Sc.* for their diet, Sheriffs Fees, the Jury, &c. which may be paid by the Justices out of the fines of the Riot. The Clerk of the Peace may be likewise paid thereout, or else he may take of every Offender twelve pence as the usage is. The Justices may be paid by the Sheriff by Indenture between them, which shall be allowed in the *Exchequer*.

If the truth of the Riot cannot be found, (being hindered by the perverseness of the Jurors, or Imbracery of other) then the Justices, &c. must certify to the Kings-Bench so much of the fact, and the names of the Offenders, and Imbracers, with the time, place, and other Circumstances; and impediments which shall come to their knowledge, 19 *H. 7. cap. 13. Lamb. 318.* And this Certificate must comprehend certainty, &c. because this is in the nature of an Indictment and may be Traversed.

If the two next Justices go to see the Riot, any other two may make the Inquiry, and any two Justices of the County may certify it within the Month.

If there be twenty Partys to a Riot, and the Jury find but ten of them Guilty, yet the Justices may certify that the whole twenty Committed it, and this shall stand good. Also if any thing material be omitted in the Inquisition it shall be supplied by this Certificate.

Upon the default of the two next Justices, Sheriffs, &c. of this Statute the Party greived may have a Commission out of *Chancery* to enquire as well of the Riot, as of such Defaulters, 2 *H. 5. cap. 8.*

If the Riot be notorious the Lord Chancellor may Issue out a *Capias* to the Sheriff for Apprehending the Offenders; And if need be a Writ of Proclamation to render themselves into the Kings-Bench at a certain day, &c.

Note, That for suffering of Riots in Corporations, the Franchises may be seized or the Corporation Fined, as in *Dr. Lamb. case. Pasch. 8. Car.*

CHAP. LXXXVI.

Robbery.

Robbery is the Felonious taking of any thing from the Person of another, or in his presence against his will, either in the High-ways or elsewhere, and thereby putting him in fear, *Dy. 824. Stam. 17.*

But the bidding of one to stand and yield his Money is no Robbery, for there was but an intent and no *Act* done in pursuance of it, *9 Ed. 4. fo. 28. Stam. 29.*

One with his Sword drawn bids me deliver my Purse, and after prays me to give him a penny, and I do so accordingly this seemeth to be Robbery, for the fear I put me in, was the cause thereof, *Crom. 34.* so if I being from a Thief cast my Purse into a Bush, and he picks it up, this is Robbery, for the fear, &c. was the cause of throwing it there, *Crom. 35.*

If a Thief bids me deliver my Purse which I do, and he finding but two shillings in it gives it me back again, this is Robbery though no force be used, *Crom. 34.*

A Thief Compels me to swear that I will bring him a sum of Money to such a place at another time, or else he will kill me, and I bring the Money, &c. this is Robbery, *44. Ed. 3. 14. 4 H. 4. 3. Stam. 27.*

A Thief takes away my Goods in my presence, or drives my Cattle out of my Field, I look upon him this is Robbery if I be put in fear thereby, though no assault be made, *Stam. 27. Lamb. 365. P. R. 131.*

If anything be taken from a Person on the High-way without

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without putting him in fear, this is no Robbery, *Dy. 2.*

14.

If two Thieves attempt to Rob me, and I fly, and one of them pursue me, and his Companion in the mean while Rob another that is passing; this is Robbery in both, though it was done out of the sight of the other. *Judges Case. 28 Eliz. Crom. 84.*

Cutting of a Purse, picking of a pocket secretly and privily is no Robbery.

The Party Robbed, to intitle him to an Action against the hundred, must observe these things following. (1) He must give notice (with convenient speed) to the next Village, &c. or to some Person inhabiting near the place where the Robbery was committed. (2) He must commence his Suit after forty days, and within one year of the Robbery done. (3). He must be examined upon Oath before a Justice of the Peace whither he knew any of the Robbers.

Note, If the Servant or Carrier, &c. be Robbed, either of them must make the Oath, &c. before the Justice and not the Owners of the Goods, and if the Servant or Carrier refuse so to do, the Owner hath no remedy.

Note, Also a man may be Sworn in his own cause, *viz.* how much Money his Servant had.

If the party Sworn know any of the Robbers, the Justice ought to bind him to Prosecute by Indictment or otherwise, *27 Eliz. cap. 13. Co. Lit. 7. f. 7 Plow. 128.*

If the Robbers be not Apprehended within forty days, after notice, the hundred is chargable; if the Robbery be done in the Divisions of two hundreds, both are to answer the Damages, and so are also the Franchises within them

If the party Robbed hath his Recovery and execution against one or few Persons of the Hundred upon complaint, two Justices (*Quorum unus*) inhabiting in or near the said Hundred may Assess a Tax proportionably every Town, Parish, or Hamlet, as well of the said Hundred, as also of Libertys, within the same towards the releif of the partys charged, which sum so Taxed, the Constables of every Town, &c. within their respective limits shall totally and proportionably Assess upon every Inhabitant within the same. If any Inhabitant refuse to pay, &c. the Constable may distrain and sell the distress, and

must deliver the Money to one of the said Justices within ten days after Collection, 27 *Eli.* 13.

It seemeth a Person coming thither after the Robbery committed is a refusal against this Contribution.

The Inhabitants of another Hundred (though in another County) wherein was default of fresh Sale, after Hue and Cry made, shall answer one Moyety of the Sum of Money and Damages recovered against the Hundred where the Robbery was done, and such Moyety shall be recovered in the name of the Clerk of the Peace (without naming his Christian or Surname) where such Robbery and recovery was, and his death or removal shall not abate the Suit, and if it be recovered, &c. against one or few, &c. the same course shall be taken as afore said towards the releif of the Person charged.

A Robbery upon a man in his house, whether by day or by night, shall not charge the Hundred, *Co. Lin.* 7. *h.* 6.

The Hundred is not answerable for a Robbery done in the night, but if it be by day light, whether before or after Sun setting and before Sun rising the Hundred is liable, *Ibid.*

The Apprehending of one Robber discharges the Hundred, though the rest Escape, but a pursuit alone does not; *Ibid.* If the party Robbed apprehend any of the Theives, this shall excuse the Hundred, *Co.* 179.

CH A P. LXXXVII.

Of Rogues, Vagabonds, &c.

ANY one Justice may cause all Rogues and Vagabonds, which are taken begging, &c. to be strip naked upwards, and Whipt till they bleed, after which he shall make a Testimonial under his hand and seal, testifying the same, &c. with the place whether they are to go, and the time, &c. 39 *Eli.* cap. 3. 21 *Jac.* cap. 28.

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All Rogues, &c. shall be forthwith conveyed from Parish to Parish (by the Constable, &c.) to the place of their Birth or last dwelling, or the place from whence they last came, there to be set to hard Labour, or to the house of Correction till such time as they be placed in Service for a year, or if not able, in some Alms-house in the County, *Ibid.* and 3 *Car. cap. 4. 2. Bulst. 357.*

Where a Rogue doth confess the place of his Birth to be D. whether he is sent; and it appear afterward to be S. he shall be removed thither; If he will not name any place, he shall be sent to the place, where he was last suffered to pass and punished, and his Children to be maintained by his Labour.

A Vagabond. *Vagabondus qui errat per Mundum, sine re, sine spe, sine fide, sine sede,* is one which hath no settled habitation, but liveth idly and loytring.

A Rogue, *Qui ostiatim rogar,* is an idle Beggar wandring from place to place without a lawful Passport.

A Beggar, *Mendicus quasi manu dicens. Egenus silentio manum extendit.*

The two first of these seem to be all one, and they are Rogues, &c. though they beg nothing.

A Person which goes from place to place selling small wares, though he have an Habitation is punishable by the 39 *Eliz.* And if he wander, though he be not taken wandring, he is an Offender, *Rolls. 2. Rep. P. 172.*

More particularly the Persons here undermentioned being above seven years old, are to be adjudged and punished as Rogues.

1. All Persons going about Begging, not Licensed there unto according to Law.

2. All Fortune-tellers, Juglers, using any crafty Science or unlawful Games.

3. All Proctors, Pattent-gatherers, or Collectors for Gaols, Prisons, or Hospitals wandring abroad.

4. Fencers, Barewards, Common Players of Interludes, and Minstrels wandring abroad, 1 *Jac. cap. 7. 21 Jac. cap. 28.*

5. Pedlers, Petty Chapmen, Tinkers and Glass-men, if unknown or without a Testimonial, *Ibid.*

6. AN Wanderers and Common Labourers refusing to work for reasonable Wages, and having nothing to

to maintain them, wandering without their own Parishes.

7. Poor Persons Licensed to beg in their own Parishes, if they either Beg without the same; Or otherwise then they are appointed, or by the High-ways, though in the same Parish, 39 *Eliz. cap. 3. Lamb. 427.* And yet these persons must not be sent to the place of their Birth, or out of the Town, except to the House of Correction, *Quere.* Of Beggars without Licence.

8. Persons pretending themselves to be *Egyptians*, or wandering in their habit not being Felons.

9. Soldiers or Marriners, who shall beg (not Licensed) or which shall Counterfeit any Certificate, &c. and not being Felons, 43 *Eliz. cap. 3.*

10. Impotent, going to the Bath, if they Beg though Licensed, or not returning though Licensed, 39 *Eliz. cap. 4.*

11. A Rogue which hath been Whipt, if after he perform not his Testimonial, or if he Travel by general Passport not directed from Parish to Parish, or without a Guide.

12. Servants departing out of Service from one Parish to another without a Testimonial, or with a forged one, 5 *Eliz. cap. 4.*

13. Persons infected, &c. going abroad contrary to the Commandment of an Officer, 1 *Jac. cap. 11.*

14. Such as shall run away and leaving their Children to the Parish, or threaten to do the same, being able to Labour, 21 *Jac. cap. 28.* but they must be dealt withal by two Justices, 1 *Jac. cap. 7.*

Children under seven years old are not Rogues within the Statute, and must be sent to their Parents, not to the place where they were born, 39 *Eliz. cap. 4.*

The Wife being a Vagrant must be sent to her Husband though a Servant.

In all these cases where Vagabonds are sent, by Testimonial of a Justice, &c. he may not Licence them to beg by the way, but where a Licence is given by the Shipwrecked Soldiers or Marriners, they may ask and receive relief, 39 *Eliz. cap. 4.*

Incorrigible Rogues are such as are either dangerous to the inferior sort of People, or such as will not be reformed of their roguish kind of life. Of which sort are. Such

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Such as having been punished and sent to the place of their Birth shall fall to their Rognish kind of life again.

One that affirms that he was born in such a Town by means whereof he is sent thither, when in Truth he was born at another place. The same Law if he misse the name of the place of his last abode and be sent thither.

All Persons able to Labour and leaving their Familys to the Parish to be maintained, or threatening to do the same, are sturdy Rogues.

All persons which shall hinder the Execution of the Statute, 39 Eliz. cap. 4. concerning the punishment of such Rogues, shall forfeit for every such offence five pounds to be levied by distress, &c. and be bound to the good behaviour by two Justices.

Within which Statute are these Offenders and Offences following.

1. To send Rogues by a general Passport, or not to convey them from Parish to Parish.

2. If a Constable, &c. shall not receive a Rogue conveyed to him according to the Statute, and he shall forfeit five pounds, &c.

3. If a Constable which conveys a Rogue shall not deliver him to the next Constable.

4. If the Town, &c. to which such Rogues shall be sent, do not receive him. *Nota*, He is to be delivered to the Church-wardens, or Overseers, and if they refuse him shall forfeit five pounds.

Any two Justices by their Warrant may levy by Sale of the Offenders Goods, all Fines appointed by the 33 Eliz. cap. 4. 1 Jac. cap. 7. by Conviction of any person for an Offence here under named upon confession or proof of two Witnesses.

1. The Minister which shall not keep a Register-Book, and enter therein the Testimonials, &c. Every default five shillings.

2. The Constable which shall neglect to apprehend and punish, convey Rogues found in his Parish, every default ten shillings.

3. Every Constable which shall not punish and convey Rogues brought to him from a Neighbour Parish, every offence twenty shillings.

4. Every person shall apprehend such Rogues, as he shall

shall find begging at his door, and convey them to the Constable, every default ten shillings.

5. Every person which shall bring, &c. any Rogues, &c. out of *Ireland* or the Isle of Man shall forfeit for every person so brought ten shillings. Which fines and forfeitures are to be employed (at the discretion of two Justices) to the maintenance of the house of Correction, or relief of the Poor.

These Rules are observable upon the Statute made against Rogues.

1. No pass is to be allowed for these wandering people, and such of them as have any, are yet to be punished as Rogues.

2. If any Alehouse-keeper or other person shall lodge a Rogue, it's a relieving him contrary to the Statute, 1 *Fac. cap. 7.* And is a forfeiture of ten shillings.

3. Giving Money by a Constable to a Rogue is a relieving him, within this Statute, and a forfeiture of ten shillings.

The most part of the Justices of Peace within their Divisions ought to meet every year for the Execution of the Statute 7 *Fac. cap. 4.* against Rogues, &c. And four or fives days before they meet, they ought to send their Warrants to all Constables within their Divisions, to make privy search for all Rogues and Idle Persons and to bring them before them to be punished, or to send them to the house of Correction, &c. *Ibid. 21 Fac. 28.*

At the same Meeting all the said Constables shall give account (upon Oath) in writing, and under the hand of the Minister of the Parish, what Rogues they have apprehended and punished, and conveyed to the house of Correction.

The Justices at such Meeting may fine any Constable, for his neglect in this Service so as it be not above forty shillings.

Any Justice of Peace may reward any Person for apprehending such Rogues as he shall bring before him, viz. by granting his Warrant to any Constable of a Parish through which such Rogue passed unapprehended; for payment of two shillings for every Rogue so brought, &c. 1 *Fac. cap. 7. See Statute. 39 Eliz. cap. 4.* for the rewarding of such Persons as apprehend Rogues, or Beggars in the Confiners of a County.

CHAP. LXXXVIII.

Of observing the Lords Day.

NO Carrier, Wagoner, &c. shall by themselves or any other Travel upon the Sunday, or forfeit twenty shillings for every Offence, 3 Car. 1. cap. 1.

This Statute gives the forfeiture but of one twenty shillings for one Sabbath-day, although the driving be through many parishes, and that Parish where the distress is taken shall have the benefit of it.

If any Butcher or other for him, by his consent shall kill or sell any Victuals upon the Sunday, he shall forfeit six shillings and eight pence, *Ibid.*

Any one Justice or Major, &c. upon his own view of any the said Offences, or on Proof by two Witnesses, or Confession may make his Warrant to any Constable; &c. to levy the said forfeiture by distress, &c. or they may be sued for in the Sessions, or in Court of Record in any City, &c.

Also these forfeitures shall go to the Poor of the Parish, but any Justice, &c. out of the forfeitures may reward the Informer or Prosecutor not exceeding the third part of the Penalty.

No Person shall be Impeached after six Months.

There shall be no unlawful Exercises, &c. used upon the Sabbath-day *Vid. Tit. Games.*

There shall be no Fairs, or buying, or selling, upon the Sabbath-day, *Vid. Tit. Market.*

If any Shoe-Maker shall go with intent to sell any Boots, shoes, &c. on the Sunday, he shall forfeit such goods and three shillings and four pence for every pair of shoes, 1 Jac. cap. 22.

If any Person of the age of fourteen years shall on the Lords day, or any part thereof do any worldly Labour, &c. except works of necessity and Charity, he shall forfeit five shillings for every Offence, 29 Car. 2.

No

No Person shall cry, shew forth or put to Sale any Wares, Fruit, Goods, &c. except Milk, before nine in the Morning, or after four in the Afternoon on pain to forfeit the same.

No Drover, Horse-Couler, Waggoner, Butcher, Higler, or any their Servants shall Travel, or come to their Inns on the Lords day, or forfeit twenty shillings every Offence.

No Person shall use or Travel upon the Lords day with any Horse except allowed by one Justice of the Peace so to do, or forfeit five shillings for every Offence.

The Conviction must be before any Justice of the County, &c. or Chief Officer by View, Confession, or Proof by one Witness, who shall give Warrant to the Constables, &c. to seize and sell the Goods shewed, &c. and to levey the forfeiture by distress, or for want thereof put the party into the Stocks for two hours.

The Justices, &c. may reward the Informer out of the forfeitures not exceeding one third part.

This Act extends not to dressing of Meat in Inns, Cook-shops, or Victualling-houses.

Every Person to be impeached hereupon, must be presented within ten days after the Offence.

If any Person Travelling on the Sunday be Robbed, the Hundred shall not be chargeable to him, but in default of him, they shall be chargeable to the King for as much as might have been recovered against them.

If any Person on the Sunday serve or execute or cause, &c. any Writ, Process, Warrant, Order, Judgment or ——— (except in case of Treason Felony, or breach of the Peace) such service shall be void, and the Party liable for damages as if no Suit, Writ, &c. had ever been made.

CHAP. LXXXIX.

Of the Sacrament.

THE Justices (*Quorum unus*) out of Sessions may take Information by the Oath of two Witnesses against such as shall deprave or speak irreverently of the Sacrament of the body and blood of our Saviour Jesus Christ against the Statute, 1 Ed. 6. cap. 1. and may bind the Accusers, and Witnesses by Recognisances in five pounds a peice to give Evidence; such Persons as shall be found Guilty, the Sessions by word or shall suffer Imprisonment and make Fine and Ransom, *Ibid.*

The Offender must be presented or Informed against within three Months after the Offence, *Ibid.*

The Justices may make Process by two *Capias*'s and *Capias Vilagatum* into any County, and three Justices may Bail the Offender, *Ibid.* See the Statutes, 14 Car. 2. cap. 4. and the 15. cap. 4. *Vid. Tit. Process.*

CHAP. XC.

Of the Sessions.

THE Sessions of the Peace is a Court of Record, holden before two or more Justices of the Peace, whereof one being of the *Quorum*, for the Execution of the Authority given them by the Commission of the Peace and certain Statutes and Acts of Parliament.

Antiently when the Sessions of the Peace were to be kept was uncertain, and the Justices might appoint it at their discretion; But now it is settled by an Act made in the 2H. 5. cap. 4. which ordains that the Sessions of the Peace

Peace shall be kept four times in the year, viz. in the first week after the Feast of St. Michael; The first week after the Epiphany, The first week after the close of Easter; And the first week after the Translation of St. Thomas the Martyr; And by the same Statute the Justices of one Bench and the other, and the Serjeants at Law were exempted from Penalty of the Statute of 12 R. 2. cap. 10. as also of the Statutes, 2 H. 5. cap. 4. for not appearing at the Sessions: But the six weeks Sessions are abridged by the Statute of H. 8.

By the Statute of the 14 H. 6. cap. 4. it is ordained that the Justices of the Peace in *Middlesex* be discharged of the Penalty of the forefaid Statutes; Provided they keep their Sessions twice a year, and oftner if need be, for forceable entry, and Riots; yet notwithstanding, it seems they may keep their Sessions four times in the year, and if but twice, those times they hold them at, must be some of the time mentioned and appointed in the Statute 2 H. 5. cap. 4. As to the place 'tis not ascertain'd by Law, only it must be within the County.

If the King should make a place within the County, of it self, and give them all Priviledges of Jurisdiction, it will not be safe for the Justices of the Ancient County to hold their Sessions there, except the King by his Letters Pattens reserves such a Power; If a particular Corporation within the County hath 'its own Justice, yet the Justices for the County may hold their Sessions there, but cannot meddle with matters arising within the said Corporation, until it be forfeited by *Quo Warranto*.

If two Justices or more shall appoint their Sessions to be holden in one Town, and two or more Justices in another Town at the same time, by the opinion of Mr. Lambert and Mr. Marrow, they may be so held, and the Presentments in both are good, but the Appearance of one is a discharge of service of the other. But Mr. Dalton is of opinion that there is no Power given to hold more then one Sessions at a time, and so their Authority being equal, and seeing no performance can be made by Priority of time, or nature of the Service, that they are both void.

These Sessions ought to be warned by Warrant of two or more Justices *Quorum unus*.

The Persons that ought to appear at Sessions are first.

2. The

1. The Justices themselves, who shall return thither such Recognizances and Examinations, as they have taken, and to the Partys Prosecuted and Convicted or acquitted, and also decide such difficultys as shall arise and give information touching Persons, and things falling within their Knowledge respectively.

2. The *Custos Rotulorum* must be present himself, or his Deputy, the Clerk of the Peace with the Rolls of the Sessions, &c.

3. The Sheriff or his Deputy to receive the Fines, to return Jurors to examine Procces, &c. He is Commanded by the Commission to attend the Justices, at all times especially at the Sessions.

4. The Constables of Hundreds, and every other Officer to whom any Warrant is directed to make return thereof.

5. The Gaoler shall bring thither such as have been sent to him by *Mittimus Larceny*s, and such other Offences of which the Sessions do usually deliver the Gaoler, and also to deliver a Kalender of such as are in his Gaol, and to receive such as may be there Committed to his charge.

6. The Governour of the House of Correction to give in a Kalender of such Rogues &c. as have been Committed to his Custody; In default hereof he is finable by the 7 *Fac. cap. 4.*

7. All Jurors returned by the Sheriff by virtue of the said precepts.

8. All persons bound by Recognizance to answer to Persecute or to give Evidence,

9. All Bayliffs of Hundreds and Libertys, to give an account of Sessions, Procces, &c.

10. All Coroners, &c.
Such Justices as neglect to appear at the Sessions are punishable by Fine in the Kings-Bench.

The Jurors not appearing according to summons are punishable by Fine.

The Constables, &c. are punished by Fine put upon them in the Sessions.

The Justices being met, the course in which three *Overs* to Proclaim the Sessions, and then the Commission is read which done the Constables are called, and out of them are made one or more Grand Jurys for presentment, which being sworn, the charge is given to call their

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Recognizance

Recognisance, especially such as are to Prosecute and give Evidences, That to Bills may be drawn and prepared, To this purpose an able Clerk is requisite; These Bills being ready, the Partys bound over are sworn to give Evidence, and they are usually commanded to go with the Jury whilst they consider of the matter of the Bill; But if the matter be weighty or difficult, or the Jury not able, or the Prosecution too slack, or over violent, the evidence ought to be given in Court that the Jury may be assisted in doing their duty.

Whilst the Juries are absent the Course is to hear Motions touching settlement of Poor Persons, and so call Persons bound to the Peace or good behaviour. But such as are not to be discharged until the end of the Sessions, for fear least any come to prefer Bills against them, or with other Complaint when they are gone.

Now the Tryal of Prisoners and the Proceedings thereupon are in this manner, towards the end of the Sessions, when the Bills are come in, the Gaoler is called to set his Prisoner at the Bar, Then the Cryer makes a Bar; one of the Prisoners is called to, A. B. hold up thy hand, thou A. B. Stands Indicted by the name of A. B. of &c. reciting the whole Indictment in *English* which done, how sayst thou A. B. are thou Guilty of this Felony and Burglary or, &c. whereof thou stands Indicted or not Guilty; If he say Guilty the Confession is Recorded, and set aside till Judgment, if he say not Guilty; The Clerk says *Culp. prii. id est.* Guilty already; who wilt thou be tryed by, he answers by God and my Country, but if he stands mute, it is best to ask him at least three times and tell him the greivousness of the Judgment, *de Payne et dure*, and if he will stand mute it must be Recorded.

If he plead not Guilty Record that, and in like manner Arraign the rest of the Prisoners; And in two, three or more call them thus severally, thou A. B. hold up thy hand, thou C. D. &c. Then say thou A. B. by the name of A. B. &c. And thou C. D. &c. by the name of C. D. of, &c. So the rest, for that thou, &c. and so recite the substance of the Indictment; There call them severally to Plead, &c. which done the Prosecutors are called on their Recognisance to give Evidence, then the Jury are called upon their Pannel (for a return cannot be made on a *Venire facias* the same Sessions and a Tryal be had thereupon, much less can they direct the

immediate

immediate return of by standers, as in a Gaol delivery.) Thus you Good men that are returned, &c. Impanelled to Try the Issue joyned between our Sovereign Lord the King and the Prisoners at the Bar answer to your Names which done and a full Jury appearing, make Proclamation; If any can inform the Kings Attorney or this Court of any Treason, Murder, Felony, or other Misdemeanors against A. B. &c. The Prisoner at the Bar, let them come forth, for the Prisoners stands upon their deliverance; Then say to the Prisoner; The Persons that you shall now hear called are to pass upon your several lives and deaths (or if it be Petty Larceny are to pass upon your Tryal) if you will challenge them, or any of them you must challenge them as they come to the Book to be sworn, and before they be sworn. Then call the Fore-man of the Jury, and say to him, lay your hand upon the Book, and look upon the Prisoner you shall well and truly Try, and true deliverance make between our Sovereign Lord the King and the Prisoner or Prisoners at the Bar, whom you shall have in charge. You shall true Verdict give according to your Evidence, *So help you God.* Then call the second and so to twelve for neither more nor less must be sworn, you shall understand A. B. now Prisoner at the Bar stands Indicted for that he, or if more then one is Indicted for that they, &c. and having recited the Indictment say to to which Indictment he hath pleaded not Guilty, and for his Tryal hath put himself upon God and his Country, which Country ye are, so that your charge is to enquire whether he be Guilty of the Felony, &c. whereof he stands Indicted, or not Guilty; If you find him Guilty you shall enquire what Goods, and Chattles he had at the time that the said Felony and Larceny or, &c. was Committed, or at any time since; Or if it be for Felony, then what Goods, and Chattles, Lands, and Tenements he had at the time of the said Felony Committed, or at any time since; If you find him not Guilty you shall enquire whether he did fly for it, if you find that he did fly for it, you shall enquire what Goods and Chattles, he had at the time of such flight, if you find him not Guilty, and that he did not fly for it, you shall say so no more; Then call the Witnesses and swear them one by one; thus, The evidence that you shall give on the behalf of our Sovereign Lord the King against A. B. Prisoner at Bar shall be the whole Truth and nothing but the Truth, so

help you God? And the Evidence being given let another Prisoner at the Bar, and say you shall likewise understand that C. D. stands likewise Indicted before you this time for that he, &c. (and so recite the Indictment) for which he hath been Arraigned, and pleads thereto not Guilty, and for his Tryal hath put himself upon God and his Country which Country you are, You are therefore to enquire of him as of your first Prisoner (that is whether the Offence is of the same degree) and so hear your Evidence, &c. after the Evidence given a Bayliff must be sworn to keep the Jury thus; You shall swear that you shall keep this Jury without Meat, Drink, Fire, or Candle, you shall suffer none to speak to them, neither shall you speak to them your selves, but only to ask them whether they are agreed, so help you God.

The Jury coming back within or near the Bar; The Prisoners are brought to the Bar, call the Jury they appearing, say, let A. B. to the Bar, who being there, say, Look upon him Masters of the Jury, how say you is A. B. Guilty of the Felony (or as the case is) whereof he stands Indicted or not Guilty, if they say not Guilty, bid him down upon his knees, if they say Guilty, Record it, and bid him be taken away. Then say Gaoler let C. D. to the Bar, and do as before, and when the Verdict be given, then say, my Masters of the Jury hearken to the Verdict as the Court hath Recorded it, you say, A. B. is not Guilty of the Felony whereof he stands Indicted, you say C. D. is Guilty of the Felony whereof he stands Indicted, and so onwards with the rest *Murari Murandis*. Then make Proclamation, and say all manner of Persons keep silence while sentence is given, upon pain of Imprisonment. Then set the first Prisoner to the Bar, and give the Sentence, and so for the rest.

Upon Tryal of this nature Counsel is not to be allowed to the Party, unless he can shew to the Court some matter of Law or otherwise: The Court is to be of Counsel with the Prisoner, and ought to advise him for his good, not taking advantage too strickly against him. The Court also may be Informed also from a by-stander, especially a man of Law who offers any thing as *amicus Curie*, relating to the Tryal or manner of it.

No Witnesses are to be examined upon Oath against the King, but being seriously admonished to speak the Truth any Person may be examined without Oath for the Prisoner.

It hath been questioned, whether a Felon may be tried the same Sessions in which he is Indicted. And it seems at least reasonable to defer to another Sessions, especially if the Prisoner desire it.

Many things ought not to be done by the Justices, but in their Sessions; Namely where the exercising of their Authority requires a Court and publick Meeting for the doing thereof.

Other matters there are, which by several Statutes cannot be executed, but in the Sessions after Easter, or in other particular Sessions. As taking account of the Treasury for maimed Souldiers, and Charitable uses, &c. By Statute, 43. *Eli. cap. 2.* 43. *Eli. cap. 3.* which must be done in Easter Sessions, *See the rate of Wages by the 1. Eli. cap. 4.* And every Justice not present thereat, shall forfeit ten Pounds.

Other things must be done in Sessions, but may be done in any of them, as the discharge of Apprentices tied by four Justices; 1. *Eli. cap. 4.* Licencing of Beggars by three Justices in Sessions. (*Quorum unus*). Any Person having any Office of trust of the Kings gift shall in the next Sessions be admitted and receive the Sacrament, &c. 1. *Eli. cap. 1.* 3. *Fac. cap. 4.* 5. *Car. 2.*

Note. The usage which is crept in, in some Countys for Justices to make Orders in their chambers, after the Adjournment of the Sessions, touching matters of importance, are neither valid nor safe, but upon complaint punishable.

Note, also that the usage in some Sessions to discharge or set aside orders made in publick Sessions, whether the same be made upon an Appeal, as sometimes upon the Statute; 18. *Eli. cap. 2.* in case of Bastardy upon the 14. *Car. 2.* touching settlement, &c. or by themselves, and intended to be final and absolute, the usage is by no means legal or allowable according to *Pridegons* case, for such order.

If the Justices grant their Warrant to the Sheriff for the holding a Sessions at a certain time and place. The King by *Superseas* may countermand it, But other Justices of the same County cannot do it, *Fitz. Justice. 10.*

The Proclamation mentioned; 4. *H. 7. cap. 12* Concerning maintenance, &c. shall be read every Quarter Sessions on pain of twenty shillings for every Justice present.

The Statute 5 *Eli. cap. 1.* Concerning the Kings Power over all Estates, &c. shall be read openly every Quarter Sessions by the Clerk of the Peace.

The Quarter Sessions for the County of *Anglesey* is appointed to be held for ever at the Town of *Bumaris*, by the Statute, 5 *Ed. 6. not printed. Dy. 135.*

If a man be bound generally to appear before a Justice of Peace within forty days, and that before forty dayes be expired the general Sessions begins, he ought to appear at the same, though not expressed *Bro. Cond. 208.*

If a Justice command one on pain of ten pounds to Appear at the next Sessions, yet no *Scire facias* shall go out against him though it do not appear; But at the next Sessions he may be attached for the Contempt.

The Statute of Victuallers shall be Proclaimed twice a year in the Sessions, 22 *H. 6. cap. 13.*

The Statute of Purveyers shall be Proclaimed yearly by the Justices 36 *Ed. 3. cap. 2. 3. 4.*

The Statute Concerning Archers shall be Proclaimed at every Sessions, 33 *H. 8. cap. 9.*

The Statute touching Rebellious Assemblys shall be read every Quarter Sessions, 1 *Ma. cap. 1. 13. Eli. cap. 17.*

The Justices (when a Riot is committed) ought to hold a Sessions within a Month after upon pain of one hundred pounds, for every Justice next adjoyning which shall fail so to do 13 *H. 4. cap. 7.*

Upon Complaint of a forceable Entry by the Partys greived, a Sessions shall be held within a reasonable time, 8 *H. 6. cap. 9.*

CHAP. XCI.

Of Sewers.

SIX Justices in the Shire where any Laws of Sewers are to be Executed (*Quorum unus*) may excuse the same for one year, after the expiration of the Commission whereby they were ordained, except a new Commission be published in the mean time.

See the Authority of the Commissioners of Sewers, the forms of their Commissions and Oaths at large, 23 H. 8. cap. 5.

The King at Common Law may award his Commission of Sewers for the amending of the Sea banks, and that the fresh-water may have its course, *F.N.B.* 118. a.

These Commissioners cannot make any New-River, or Invention, as Mills to cast Water, &c. yet they may remove antient Banks, or Sewers into more convenient places, *Co.* 11. 14.

They cannot cast down any Mills, Causeys, &c. erected before the time of *Ed.* 1. but may abate them if raised above their antient height, *Co.* 10. 138. *Rep.*

They ought not to Tax any towards these reparations, &c. or but such as have prejudice by the Nuisance, &c. or may have benefit by the reforming them, 6 H. 6. cap. 5.

They ought to Tax all who be endamaged by not repairing though their hands be not next adjoining, and it must be proportionable to the yearly value of the Land, &c. without improvement, *Co. Lit.* 171. 179.

If a Person be bound by Prescription to repair the Bank of a River, &c. and be not of ability to do it, or if by an unusual overflowing, the Banks are broken down, the Commissions may charge such as have Lands in danger to the reparation of the same together with Persons so neglecting *Co.* 5. 108. and 10. 139.

If a Person be bound by Prescription to repair, &c. and the danger become unavoidable, whereby others are charged every one of them may have his Action upon his case against him, and recover damages, *Fitz. Herb. N.T.B.* 909. 7 H. 4. 8. and 41.

These Taxations ought to be particular upon every several owner, or occupier of Land, &c. and not a general sum in gross, upon the whole Town, *vid. Tit. Stocks* of the Shires, and Serjeant *Callis* his Reading, and Statute 23 H. 8.

CHAP. XXII.

Of Sheriffs.

THE *Custos Rotulorum* or the Eldest Justice of the *Quorum* in his absence at the general Sessions after *Michaelmas* ought to appoint two Justices (*Quorum unus*) to have the oversight and controulement of the Sheriff, Under Sheriff, their Officers and Deputys, and the inspection of their Books, Amercements and Estreats, in their, &c. County Courts; 11 H. 7. cap. 5.

Either of these two Justices, or as it seems any other Justice upon Complaint of the party grieved, may examine the Sheriff, &c. or taking, or entering Plaints in the said Courts against the Statutes. (1.) If a Plaintiff be entered in their Books in a Persons name, who is neither present in Court in Person or by Attorney. (2.) If the party find not good pledges: (3.) If the Plaintiff shall enter more than one Plaint for one Trespass, Contract, or cause. (4.) If the Sheriff &c. shall enter any more Plaints then the Plaintiff supposeth, he hath cause of Action for against the Defendant.

If the said Justices shall find any of these defaults upon their Examination, this shall stand for a sufficient Conviction without further enquiry, and they shall forfeit to the King forty shillings for every default, to be recovered in the *Exchequer*.

And the Justice which took the Examination shall certify the same to the *Exchequer* within a Quarter of a year upon pain of forty shillings.

Also the said Justices may examine the defaults of the Bayliff of the Hundred for not warning the Defendant to appear according to his precept, &c. And if such default be found by the Justice it shall stand for Conviction, also the Bayliff shall forfeit to the King forty shillings *ut Supra, Ibid.*

Sheriff, &c. shall make no Estreats to levey their Shire

shire amercements, until the said Justices have had the view of their Books, which Estreats shall be by Indentures between the said Justices and Sheriffs, &c. *Ibid.*

The Bayliffs and Collectors, &c. of the said Amercements shall be sworn by the said Justices that they shall take no more Money then is contained in such Estreats.

The said Justices, or one of them, may examine the defaults of the Collectors, &c. and if they find any, such finding shall stand for a sufficient Conviction, and they shall forfeit to the King for every default forty Shillings, &c.

The said Justices upon suggestion of the party grieved shall make like process as in Trespass against the Sheriff, &c. to make him appear to answer such suggestion. See *Tit. Process.*

1. No Sheriff, Coroner, &c. who may make return of Writs, shall return any Jurors dwelling out of any Liberty, without the true addition of his dwelling at that time, or within a year before, or other sufficient addition, nor within any Liberty without such addition, as shall be certified to him by the Bayliff of the Liberty under his hand, 27 *Eliz. cap. 7.*

2. No Bayliff of a Liberty, or Deputy shall return any Jurors, or deliver his name to the Sheriff without such addition.

3. No Extract of Affise against the Juror shall be delivered out or put in use without addition in the original Pannel, or Tales.

4. No under Sheriff, Bailiff, or other shall collect any Issues of any Person not charged with the Extract for the pain thereof.

Upon pain that the Clerk Writing, or any other Person offending against this Act shall pay to the Queen five Marks, and to the party grieved five Marks.

The Justices may determine hereof and make Execution of the forfeitures.

The Sheriff, &c. which shall return any Jurors which cannot dispend four pounds upon ———— shall forfeit twenty Shillings, 17 *Eliz. cap. 6.*

Upon the first *Distingas* or *Habeas Corpora*, the Sheriff, &c. shall return ten shillings, issues every Juror, upon the second twenty shillings, upon the third thirty shillings and upon every farther Writ double the issues, forfeit five pounds.

If,

If any be returned, Summoned, which is not, and loses Issues, &c. The Sheriff, &c. shall forfeit double his Issues.

If a Sheriff, &c. shall take a reward for not returning a Juror, he shall forfeit five pounds to the King and Prosecutor.

No Sheriff During his Office shall execute the Office of a Justice of Peace, and all such Actions done by him shall be void, *1 R. 2. cap. 8.*

Sheriffs, &c. shall take no more for any Extent or other execution then twelve pence in the pound for the first hundred pounds, and six pence for every twenty shillings more or less, to the party treble damages, and forty pounds to the King and Prosecutors, *27 Eliz. cap. 4.*

This Act extends not to Fees for an Execution in a Corporation, but it must be intended of Actions arising within the same Shire, Tried and Judgement given, *See the Stat. 19 and 51.*

If any under Sheriff, Bayliff of a Franchise, &c. shall intermeddle not having taken the Oath hereby appointed, he shall forfeit forty pounds to the King and Prosecutor, *Oath postea.*

The Justices in their Sessions may determine the default against this Act and award Execution for the forfeitures:

The *Custos Rotulorum*, or any two Justices (*Quorum unus*) may Administer the Oaths of the under Sheriffs his Bayliffs, Clerks and Officers, *27 Eliz. cap. 12.*

Special Bayliffs are not to be sworn, *Crompt. 78. 103. Fines Rep. 247.*

Sheriffs and their Ministers shall not make any Process upon Indictments in their Leets or Turns, but shall deliver the same at the next Sessions or forfeit forty pounds &c. and the Justices may Proceed thereupon and return the Etreats by Indenture, and if the Sheriff shall levey any Amercement, &c. without such Authority, he shall forfeit one hundred pounds, *7 Ed. 4. cap. 2.*

CHAP. XCIII.

Of Silk Throwing.

NO person shall exercise this Trade, unless he hath been an Apprentice thereunto for the space of seven years, or forfeit twenty shillings a Month to the King and Prosecuter, 14 Car. 2. cap. 15.

If any Silk-winder and doubler imbesse any Silk delivered unto him, or if any person buy any Silk so imbesse, he shall be punished by a Justice of Peace, as by the said Statute is appointed.

CHAP. XCIV.

Of Skimmers.

NO Tradesmen other then a Skinner shall dress or Transport any black Cows skins of the breed of England, unless the same be Tanned according to the skill of Artifts and Skimmers, or forfeit the value thereof, 3 Jac. cap. 9.

No Merchant, &c. shall buy any Cony-skins or Lamb-skins, or of the Breed of England, or bring here under a thousand black Cony-skins, three thousand Grey Cony-skins, or two thousand Lamb-skins, except to such Skinner, or forfeit the same or value.

No person shall keep any Servant, &c. to work there in except he hath served seven years, and useth the Trade, or forfeit double value of the Skins to the King and Seisor.

C H A P. XCV.

Of Soldiers.

Every Parish shall be charged to pay weekly to the relief of maimed Souldiers, or shall be assessed in the Quarter Sessions after *Easter*, so as no parish pay above ten pence, or under two pence weekly.

The Mayor, Aldermen, Recorder of *London* may tax every Parish there, not exceeding three shillings a parish or under twelve pence.

The sum shall be rated by the Parishioners amongst themselves, or in default thereof by the Justices aforesaid to be levied by distress.

The Churchwardens and Constables shall Collect and pay it to the High Constable, ten days before the Sessions, and the High Constable to the Justice appointed, *Ibid.*

Church-wardens and Petty Constables failing hereof shall forfeit twenty shillings, High Constables forty shillings to be levied by distress: And the Treasurer not accounting shall be fined at the Sessions not exceeding five pounds.

Every disabled Soldier, &c. that is able repair to the Treasurer of the County where he was pressed, &c. with his certificate, whereupon he shall receive from such Treasurer a proportionable relief until the Sessions: And then the Justices shall under their hands grant the same for his life, so as no one that hath born any Office shall have above ten pounds, such as have born Office above fifteen pounds, and a Lieutenant above twenty pounds, and the Justices in their Sessions may alter or revoke the same.

If such maimed Soldier shall arrive in a County far distant from the place, where he ought to receive such Pension. The Treasurer of the County where he arrives shall give him relief with a Testimonial, and so from County

County to County until he come to the place where his Pension must be settled.

The Treasurer shall keep a Book of the Sums levied and releif given and preserve every Certificate, and if they refuse to give releif, they shall be fined at the Sessions, and it shall be levied by distress.

If such Soilder shall beg he shall be punished as a Rogue.

The surpluse of such Stock shall be bestowed by the Sessions to Charitable uses limited by the Statute and the forfeitures of every Treasurer, &c. shall be employed to the same use.

In Corporations where there are Justices of the Peace, such Justices only with the Majors, or Bayliffs, &c. shall execute this Act.

See Statutes, 14 Car. 2. cap. 9. for the releif and reward of such Persons as have hazarded their lives and fortunes in the Service of his present Majesty or his Father.

If any Commanded to be Mustered shall absent himself without lawful cause, or shall come and not bring his best furniture, &c. he shall be Imprisoned without Bail ten days or agree to pay forty shillings to the Queen. 4. 5 Ph. Ma. cap. 3.

If any man authorised to Muster or levey men for the defence of the Kingdom, shall receive a reward, he shall forfeit ten times the value.

If any Captain, &c. shall for advantage Licence a Soldier to depart, he shall forfeit ten times the value of the thing taken; and if he shall detain his Soldiers pay above ten days, he shall give him treble as much.

The other forfeitures shall go to the Queen and the Prosecutour and may be recovered in any Court of Record by Information or otherwise.

The Justices in their Sessions may determine the Offences and award the Offenders to Prison till payment of the forfeiture, *Ibid.*

If any poor Soldier, Marriner, shall come from beyond the seas to the place of his Birth, &c. and shall not be able to get work there, two Justices near the said place shall take order to set him on work, or for want thereof shall Tax the whole Hundred for his releif until work be had.

CHAP. XCVI.

Of the County stock.

IF the Parishioners, Churchwardens, &c. shall not Assess the Tax imposed by the Justices after *Easter* Sessions towards the releif of Prisoners in the *Kings-Bench* and *Marshalsea*, of the Hospitals in the County, of losses by fire and other casualties, and of releif of the Poor in the same County: Any Justice dwelling in the same Parish, if none be there in the parts adjoyning shall Assess the same; And if the Church-wardens, &c. shall neglect to levey such Assessment, the said Justices or any other may do it, by distress and Sale of the refusers goods, or in default thereof may commit him until he make payment, 43 *Eli. cap. 2.*

The like Law is where the Parishioners, &c. shall not Assess the Tax for maimed Soldiers and Mariners, 43 *Eli. cap. 3.*

Note, the Landlord shall not be Taxed for his Farm Rents, for the occupier of Land is chargable for the same, so where any Farmer is Assessed for his goods.

I ought not to be rated for any Farms, *Bro. 2. 4. 7. H. 4. 33. 11. H. 4. 35. Co. 6. 65.*

By goods in most cases as in Lands a man may be rated, but not both for his goods and Lands: But for such goods or stock of Cattle whereby he Manures his Lands he shall not be charged where the Land is charged.

Where a man is charged only by his goods (in which case desperate Debts are to be deducted) upon his Oath taken that his goods, &c. be not of such value as he is rated for them, the Justice must obey such Assessment accordingly.

C H A P. XCVII.

Of Supplicavit.

THis Writ may be directed to one Justice of Peace or more, or to the Sheriff, and sometimes to all the Justices, and then he to whom 'tis first delivered ought to Execute it and make return thereof (only) without any other. The same Justices may make him a *Superseas* to discharge him from any other Arrest or deliver him out of Prison, for the Peace at any other mans Suit, as it seemeth, *Crompt. 237. 6.*

Another Justice cannot *Supersede* a Warrant made by virtue of this Writ.

The Officer to whom the precept is directed by the Justice to whom the Writ was delivered upon the refusal of the Partys to find Suretys may immediatly carry him to Prison.

If the Writ be directed to the Sheriff and four Justices, that they or any two of them shall take the Recognisance, this Writ executed by two Justices which take Recognisance and returned by the Sheriff as taken by them is good; *Roll. Rep. 2. Parts. 348.*

If the Party make resistance, the Officer (Authorized by the Warrant grounded upon the Writ) may take the *Poss Comitatus* to Arrest the Party.

He that is taken by this Writ may be bound for his life, but if he comes into *Chancery* and find Suretys there, he may be bound until a certain day, and may have a *Superseas* thence to the Justice, Sheriff, &c.

If some freinds of the Person Arrested by this Writ be bound for him in *Chancery*, he may have a *Superseas* to be discharged.

This Writ is not to be granted but upon great cause shewn, and Oath made that he is in fear, &c.

All Proceſs of the Peace or good behaviour out of the *Chancery* or King-Bench shall be void, unless upon motion made in open Court and upon declaration in writing,

ing, upon Oath of the case for which Proceſs ſhall be granted, unleſs ſuch motion or Declaration be mentioned to be made upon the back of the Writ, and the ſame writing muſt be there entered on Record. And if after, it appears to the Court, that the cauſe expreſſ'd in ſuch Writ be untrue, The Court may award Coſts and damages to the Party and may alſo commit the Offendor till he pay the coſts and damages, 21 Jac. cap. 3.

If a Supplicavit be againſt divers, and the Prayer of the Peace be releaſed to one of them, this Releaſe ought to be Contingent (or a non eſt in eo) for him, and the Writ executed againſt the reſt.

One may be bound to the Peace towards the Party, and towards the good behaviour for the King, 30 A. Part. 14.

One ſwearing in the preſence of a Juſtice of Peace, may be bound by him to the Peace, and alſo to the good behaviour; ſo may it be done for an aſſault upon a Perſon coming to Sessions to prefer a Bill of Indictment, or about a Traverſe to be Tryed there; ſuch offender ſhall be bound to the Peace towards the Party, and to the good behaviour for the Contempt to the King and the Court.

CHAP. XCVIII.

Of Swearing.

If a Perſon ſhall Profane, Swear, or curſe in the hearing of any Juſtice Major, &c. or ſhall be Conſeſſed of ſuch ſwearing, &c. by the Oath of two Witneſſes or Confeſſion before any Juſtice of Major, &c. he ſhall forfeit for every ſuch offence to the uſe of the Poor one ſhillling, 21 Jac. cap. 20. 3. Car. cap. 4. 17. Car. cap. 4.

Every Juſtice, Head Officer, &c. may Command the Conſtables, &c. to levy the ſaid ſum by diſtreſs, &c.

In defect of ſuch diſtreſs the Offender being above the age of twelve years, ſhall be ſet in the Stocks three hours,

hours; If under twelve years old and shall not pay the said twelve pence, he shall be whipt by the Constable by Warrant of the Justice, or by the Parent, or Master in presence of the Constable.

Every offence against this Act shall be Proved within twenty days after the Offence committed, *Vid. Tit. Oaths*,

CHAP. XCIX.

Of Tobacco.

NO person may Plant any Tobacco upon pain of forfeiture of forty shillings for a Rod of ground so planted, and so *pro rata* for every quantity; 12 Car. 2. cap. 33.

And by the Statute 5 Car. 2. cap. 7. There is a penalty given of ten pounds for every pole above the said forty shillings one third to the King, another to the Poor, the other to the Informer.

All Sheriffs, Justices, Majors &c. upon Information, that Tobacco is sown within their Precincts shall cause the same to be destroyed; Then every Person resisting the same, &c. shall forfeit five pounds to be levied by distress, and for want thereof the Offender shall be imprisoned for two Months without Bail, and shall enter into Recognisance of ten pounds with two Suretys not to do so again.

All Justices a Month before the Quarter Sessions shall issue a Warrant to the High Constables to make enquiry what Tobacco is sown, &c. and to present the same in Writing upon Oath, &c. which presentment being filed shall be a Conviction unless the party have notice, and shall at the next Sessions Traverse the same, finding Suretys to Prosecute, 12 13. Car. 2.

All Constables, &c. within four days after Warrant from two Justices may destroy the same Tobacco, *Ibid.*

CHAP. C.

Of Traverse.

TO Traverse an Indictment is to take issue upon the Chief matter thereof, or to make contradiction, or deny the point of the Indictment. As if A. be presented for a High-way overflown with Water, or default of scowring a Ditch which he and they (whose Estate he hath in certain Lands there) have used to cleanse, A. may Traverse either the matter; viz. That there is no High-way there, or that the Ditch is sufficiently scoured or otherwise he may Traverse the cause that he holds not that Land, &c. or that he and they whose Estate, &c. have not used to scoure the Ditch 5 H. 7. 3.

After Process *ad Respond.* is awarded against the Party, he may come in and either yeild to pay his Fine, or offer his Traverse to the Indictment found before the Justices, which they ought to allow him, the words of which are in Latine, *absque hoc, &c.*

The Justices in many cases out of Sessions may take Indictments, award Process, *ad Respond.* and to hear and determine, but the Offenders may answer for themselves and if they offer their Traverse the Justices must receive it, but cannot Try the same (except in Riots and forcible Entrys) out of Sessions and therefore they must send the Inquisition, &c. into the Kings-Bench, Quarter or general Sessions, to be Tryed there, See. *Tit. Riot.*

There was some of opinion formerly (as appears by 2 R. 3. 11. 19. H. 8. 11. Fitz. *Tit. Ass.* 442. &c.) that a Presentment not charging a mans Freehold was not Traversable, but now when Process is awarded the Party may Traverse, or else the Process were in vain; 4 H. 7. 4. 41 Ed. 3. 26.

But if a man be of an Enquest that Indicts him of Trespas, &c. he shall not Traverse it; because, upon the matter, he Indicted himself, as Mr. Marrow hath delivered.

Note,

Note. There is no Indictment Traverfable, but that the Party may be Arraigned upon it, there is no Indictment whereupon a man may be Arraigned, but that he may Traverfe it if he please.

If one Juftice of the Peace alone will take upon him to Record a Riot, the Party fhall not be concluded thereby, for he may Traverfe it, *Fitz. Tit. Juftice. del. p. 9. Lamb. 171.*

CHAP. CI.

Of Treafon.

Treafon is two fold, High-Treafon and Petty Treafon, of which I fhall difcourfe in order, beginning with the firft of them.

To imagine or intend the death of the King and to declare by any Overt act, as by words or Letters is High-Treafon; So an intention to deprive, depofe, or difinherit the King is Treafon.

To fay that he will be King after the Kings death is Treafon, 13 *H. 8. fo. 12. Duke of Buckingham's cafe.*

It feems that if a mad man fhall attempt to kill the King, it is High-Treafon.

It hath been adjudged Treafon to Prophefy when the King fhould dye, *Williams Cafe, Rolls. Rep. 2. p. 88.*

To fay the King being Excommunicated by the Pope, any Perfon may depofe or kill him, and that it is no Murder, this is High-Treafon, *Owens cafe. 13 Jac.*

To affirm the King to be a Heretick, Traytor or Ufurper, is High-Treafon in the the 13 *Eliz. cap. 1.* or fo it is to Arreft or Imprifon him, *Roll. Rep. 2. p. 89.*

It is alfo High-Treafon to deflower the Kings Wife, his Eldeft Daughter being unmarried, or his Eldeft Son and Heirs wife.

To levy War againft the King in his own Realm, is High-Treafon, and fo it is to confpire in order to it.

To practise with the Governor of any County to invade this Realm is High-Treason, though it be not put in ure; *Dy.* 298.

To succour the Kings Enemys or adhere to them, aiding or giving them comfort within this Realm or elsewhere, to be in Counsel with others to levey any seditious Wars, every of these Acts are High-Treason.

If a Subject go beyond the Seas and joyn with the Kings Enemys and dye or be slain there, this seems to be Treason and an Attainder in Law without any more, &c. 8 *Ed.* 3. *Fitz. Dower.* 106. so of Subjects within the Realm joyning in Battle with the Kings Enemys and be Slain.

An Alien enemy cannot be Indicted of High-Treason but an Alien friend may.

To Counterfeit the Kings Great Seal, Sign Manual, Privy Signet or Privy Seal is High-Treason, these were but Petty Treason at Common Law before the Statute, 25 *Ed.* 3.

And the Counterfeiting the Kings Coin is High-Treason and the Justices of the Peace may enquire thereof and make out Process by enquiry only against those that are Indicted before them.

To Counterfeit the Coin of another Realm made Current here by the Kings Proclamation, Act of Parliament, or permission, is High-Treason, 1 *Ma. cap.* 6. *Co. Lin.* 268.

To forge or counterfeit such Money as is not Current within this Realm is Misprision of Treason, 14 *Eliz.* 13.

To Clip, Wash, round, file, impair, diminish, lighten or falsify any Coin of this or any other Realm, allowed or suffered to be Current within this Realm, is Treason, 5 *Eliz.* cap. 11.

To bring from beyond Sea into this Realm any other Forreign Coin made in another Realm like to the Coin of this Realm, or any other Forreign Coin made Current in this Realm, knowing it to be false, with an intent to Marchandize with it, is High-Treason, but bringing of such Coin from Ireland is not Treason within this Act, 1 and 2 *Ph. Ma. cap.* 3.

If one Coin Money by the Kings Warrant and make it less in weight then the antient Ordinance, or Coin false metal is Treason, *Bro. Treason.* 19.

It seems that to Coin farthings is no Treason by Sir Francis Harvey at Cambridge Assises, 1631.

To utter false Money made within this Realm, or any other

other the Kings Dominions, knowing thereof, is Misprision of Treason.

To kill the Kings Chancellor, Justices of either Bench Justices in Eire, Justices of Assises, or of Oyre and Terminer being Executing their Offices is High-Treason.

All Acts whereby any Offence is made Treason, Petty Treason, or misprision of Treason, (excepting what is declared Treason, &c. by the, 25 Ed. 3.) are Repealed by the, 1 Ma.

In Treason there is no Accessorys either before or after the Fact. To conceal High-Treason is Misprision of Treason.

It is Treason to set at large unlawfully any Persons Committed to Prison for Treason, 11 H. 6. 5. Bro. Treason. 11.

One that is not *Compos mentis* may Commit Treason.

If two or more conspires to Commit Treason, and one of them Executes it, this is Treason in them all.

Any Persons maintaining or extolling the Authority of the Church of Rome within any the Kings Dominions, the Procurers, Counsellors, Aiders or Maintainers shall for the first Offence incur the danger of a *Premunire*; and for the second Offence of High-Treason, 1 Eliz. cap. 1.

All these following Offenders are within the same danger, viz. such as bring over any Books that shall set forth, maintain, or defend, any such Authority, Readers and Bearers of them, that shall Justify them, such as shall deliver any such books to others with allowance and liking of the same; And also the Printers and Utterers of them within this Realm, Dy. 282.

The refusal of the Oath of supremacy after lawful tender, the first Offence is *Premunire*, the second High-Treason, 5 Eliz. cap. 1.

The Justices of the Peace in the Quarter Sessions may enquire of all things done against 5 Eliz. cap. 1. as offences against the Peace, and ought to certifie (under the penalty of an hundred pounds such Presentment into the Kings Bench within forty days after, &c. if in Term time, and if not the first day of the next Term.

The second refusal of the Oath of Allegiance being tendered according to the Act is a *Premunire*, 7 Jac. cap. 6. It seems by 3 Jac. cap. 4. a refusal in the Sessions without any precedent Tender, amounts to a *Premunire*.

One obtaining from *Rome*, and from any claiming Authority from thence any Bull or Writing, and to dissolve and reconcile, &c. such as shall forsake their due Allegiance to the King, &c. or to give or take Absolution by colour of any such Bull, or to grant or promise any such Absolution, &c. or use, publish such Bull, &c. shall be High Treason, as well in the Offenders, Procurers, Abettors and Counsellors within the Fact.

To conceal such Bull, Writing, or Absolution offered, &c. and not disclose to some of the Privy Council within six weeks after, shall be deemed Misprision of Treason.

To procure, &c. from *Rome*, &c. any Excommunication, &c. against the King, &c. or to bring them within the Realm, or receive them, is a *Premunire* in every Offender, Procurer, or Abetter, &c.

Or here to withdraw any the Kings Subjects from their obedience, &c. is High Treason, See 34 *Eli.* 1. 3 *Fac.* 4. and to be willingly absolved, withdrawn, &c. is Treason, *vid.* 23 *Eli.* cap. 3 *Fac.* 4.

If any Jesuit, Priest, &c. born within any of the Kings Dominions come in, to be, or remain in any of the Kings Dominions is High Treason.

If any of the Kings Subjects (not being Jesuits or Ecclesiastical) being brought up in any *Seminary* beyond Sea shall not within six Months (after Proclamation made at *London* in that behalf) return into this Realm, and within two days after such return (before the Bishop of the Diocese or two Justices of the Peace of the County where he shall arrive) take the Oath of Supremacy, &c. every Person coming otherwise into any of the Kings Dominions shall be adjudged a Traitor, 27 *Eli.* cap. 2.

To send any relief, &c. to any Jesuit or Priest, &c. abiding in any *Seminary* beyond Sea is a *Premunire*, *Ibid.*

To bring into the Realm any *Agnus Dei*, Croffes, &c. Consecrated by the Popes authority, or offer, or deliver them to any of the Kings Subjects, is a *Premunire*, both in the giver and receiver, 13 *Eli.* 2. if he doth not apprehend the Party offering, and bring to the next Justice of Peace, or within three days disclose his name and place of abode to the Ordinary, or some Justice of the Peace of the County, &c. and such Justice within
fourteen

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fourteen days must disclose the same to one of the Privy Council under pain of a *Premunire*.

So that thoughts, words or acts conceived, spoken or committed against his present Majesty, shall amount to Treason, *See the Statute 13 Car. 2. cap. 1.*

Petty Treason is when a willful Murder is committed upon a Subject, to whom the Murder gives forth protection and obedience, as if a Servant (though but of thirteen years of age) kill his, or their Master, this was adjudged Petty Treason, *Stam. 10. Bro. 8. Co. 11. 34. Bro. Treason.*

If a Servant kill his Master a twelve Month after he is departed from his service, this is Petty Treason; if done upon Malice conceived against him when he was his Servant.

If a Servant procure another to kill his Master, who does it in his presence, this is Petty Treason in the Servant, and Murder in the other, but if killed in his absence, then the Servant is only Accessory to the Murder.

If the Servant command one to beat his Master, and he kills him, this is Petty Treason in the Servant if done in his presence, *Com. 20.*

A Servant upon malice propensed shoots at another, and missing by chance kills his Master standing by, this is Petty Treason in the Servant.

If the Wife maliciously kill her Husband, this is Petty Treason, so if she and a Servant conspire to kill him, and the Servant does it in her absence, it is Petty Treason in them both, but if it had been so done by a stranger she should have been only Accessory to the Murder.

The Wife buys a poysoned Aple in a place on purpose to poyson another, and her Husband, and the Husband takes it by chance, and eats and dyeth of it within the year and day, this is Petty Treason in the Wife, for the intended Murder.

A Child kills his Father or Mother, this is Petty Treason, they gave him neither meat, drink nor wages, *Bacon. 53.*

A Bastard killeth his Mother, this seemeth to be Treason, *Crom. 21.*

The Son or Daughter in Law killeth the Father or Mother in Law with whom they dwell, or receive

meat or drink from, but no wages, this is Petty Treason, but the Indictment shall be in the Name of a Servant.

It is Petty Treason in an Ecclesiastical Person that killeth his Ordinary, 19 H.6. 47.

Note, there can be no Petty Treason but where it includes a wilful Murder.

The Judgment in Petty Treason, for a Man is to be drawn and hanged, for a Woman to be burnt alive.

For Petty Treason the Offender shall forfeit his Goods and Chattles, and the King shall have the year day, and waft, and the Lord of the Fees shall have the EC cheat.

The Justice of Peace may enquire of Petty Treason, as of Felony out of Sessions, may deal with the Offender (as with other Felonys) by taking Examination, &c.

Misprision.

Misprision is when one knoweth that another hath committed, or is about to commit Treason or Felony, but was not consenting thereunto, and will not discover it to the King or his Council, or to some Magistrate, but conceals the offence, *Stam. 37. Stat. 5 Ed. 6. cap. 11.* The punishment of Misprision of Treason, is a perpetual Imprisonment, forfeitures of his Goods and Chattles, and the Profits of his Estates, Lands during his life to the King. But for Misprision of Felony, the punishment is only in Fine.

The King may cause one that hath committed Treason or Felony to be Indicted only of Misprision, for every Treason or Felony doth include Misprision, *Stam. 37. Crom. 41.* Compounding of a Felony is a Misprision of it, *Stamp. 37.*

CHAP. CII.

Tryal.

THE most solemn and antient Tryal of matters of Fact in this Nation is by a Jury of twelve men, and this is called in (*Magna Charta cap. 29.*) *legale judicium parium.*

This ancient Right was very much altered by 11 *H. 7. 3.* which gave full power to the Justices of Peace upon Information for the King to hear and determine all offences against Penal Statutes by their own discretion, but the mischief hereof appearing every day more and more then other, 'tis Repealed, 1 *H. 8. cap. 1.* and some who had been too busie in the Execution of the same lost their heads for it.

Thus you see the Tryal by the Country is revived, and yet in some cases of lesser moment, other ways have been sometimes appointed by Act of Parliament, As

That Justices may examine the Offenders against the Statutes of Liverys, and thereupon convince them as fully as if they were Convict by Enquest, 8 *H. 6. cap. 4. 8 Ed. 4. cap. 2.*

The like course may be taken with Persons suspected to keep Deer, Hares, &c. by, 19 *H. 7. cap. 11.* and in some other cases.

Others may be convicted upon the Testimony of one or more Witnesses such are,

Users of false and Privy Tokens, 33 *H. 8. cap. 1.* unlawful takers of Hawks Eggs, or Swans Eggs, 11 *H. 7. cap. 17.* and many more.

Sometimes Tryal may be by Certificate as upon the Statute of Armour, if the Party accused shall alledge that the furniture lacking, could not be provided within the Realm, this being Traversed (as it may be) shall be Tried only by Certificate of the Lord Chancellor, &c. 4, 5 *Pb. Ma. cap. 2.*

If

If the Prisoner will demurr in Law upon the Evidence, the Justices ought to Record it, that it may be Argued, *Fitz. Emdit. 27.*

Felons for Forgery by 5 *Eliz. cap. 14.* after a former Conviction cannot be Tried by Justices of Peace, the like Law (as it seems) of a Servant taking his Masters Goods after his death, because they cannot take notice of his default in the Kings-Bench, 33 *H. 6. cap. 1.* So likewise for imbezelling the Records in any Court at *Westminster*, 8 *H. 6. cap. 12.* Nor of such as are Indicted of Felony before the Coronors, Justices of Gaol delivery, and of *Oyer and Terminer.*

If any Person shall Commit an Offence in *Scotland*, which by the Laws of *England* is, or shall be, declared to be Petty Treason, Murder, &c. and shall be Apprehended in the Countys of *Northumberland, Cumberland, &c.* the Justices of Peace in their Quarter Sessions, or any four of them upon due Examination, and pregnant proofs, by Warrant under their hands and Seals shall remand and send back such Offenders into *Scotland* there to receive his Tryal, &c. 7 *Fac. 1.*

A *Scotchman* shall be Tried by a Jury of *Englishmen*, and not by an Enquest *De medietate linguae*, and this at Common Law, for he is reputed a Subject and not an Alien, *Dy. 304. and 357.*

The Tryal of an Offender ought regularly to be in the County where the Offence was Committed, least it be otherwise Provided by Statute, as by 1, 2 *Ph. Ma. cap. 4.* and by some others.

But if one Steal Goods in the County of A. and carry them with him into the County B. and be there Apprehended, he shall be Tried and punished for the same in that County, *See. 1 Fac. 11.*

That Party shall be Tried where he is apprehended. Tryal shall be passed as soon as may be with convenience, especially where the Offender stands Committed for want of Bail, or because he is notailable by Law, and this in *favorem libertatis*, and therefore 'tis usual in such cases to Indict and Try a Person the same Sessions, *See Tit. Sessions*, unless the Offender require longer time to be advised, or get his Witnesses, &c. But it hath been held formerly that where one is Indicted for breach of a Penal Statute, or for a Nuisance, or other misdemeanor, under Felony, he cannot

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not be Tryed the same Sessions, otherwise of Justices of Gaol delivery. But now the Law is held the same in both cases.

By the Statute, 22 H. 8. cap. 14. which is made perpetual by the 32 H. 8. the Tryal of the party Indicted shall be in the County where he is Indicted for Murder or Felony, notwithstanding any forreign Plea.

See Statute, 3 H. 7. cap. 1. That Justices of Peace may take an Inquisition within the year and day after an Offence Committed, to enquire of the Concealment thereof by former Enquest taken before them.

CHAP. CIII.

Of Warrants.

THE precept or Warrant of a Justice of Peace by word of Mouth is in some cases as strong as his precept in Writing, because he is a Justice of Record, Lamb. 87.

And therefore where a Riot is done in his presence he may Command the Riotors to be Arrested and find Suretys, 14 H. 7, 8, 9.

So upon an Affray, Assault, threatening or other breach of the Peace done in his presence, he may Command by word of Mouth an Officer or his own Servant to Arrest the Offender, See Tit. Peace.

For where it is done by the Command of a Justice it is his own Arrest, he being present, Bro. Faux. Imp. Rep. 301. both at the time of the Offence, and the executing of such Commandment.

But he may Command Riotors to be Arrested in his absence, 14 H. 7, 9, 10. See Tit. Riots.

A Justices Warrant in writing ought to be made under his hand and Seal, 14 H. 8. 16.

If it be such Warrant as requires the finding of Suretys, &c. the cause of the granting must be inserted in it, that so the Party may Provide them.

It

It is not safe for a Justice of Peace to grant blank Warrants where he knows neither the Partys name nor the matter, and for so doing a Justice was fined as Mr. *Crompt. Reports.*

The Warrant must express the year and day when it was made and it is also requisite that the place be named, *Lamb. 19. 21 H. 7. 22.*

A Justice may make his Warrant to the Sheriff for bringing of a Person the next Sessions to find Suretys for the Peace, &c. *Crompt. 135, 136.*

He may likewise grant his Warrant for a Person to appear at the next Sessions to give evidence for the King, and if he do not appear, a precept shall go out from that Sessions to Attach him for such Contempt, *Crompt. 123.*

A Justice may not grant his Warrant to Attach Persons suspected of Felony, &c. or Offenders upon a penal Statute, unless such Person be first thereof Indicted, for being Judge of Record, he ought to have some Record whereupon to ground his Process. *14 H. 8. 16 Bro. Peace. 6 Bro. Commission. 3.*

No Justice can grant a Warrant to break any mans house to search for a Felon or stolen goods, &c. for they are Constituted by Act of Parliament which gives no such Authority.

A Justice may direct his precept to the Sheriff, Constable, or other Officer, or to any indifferent Person whatsoever, *14 H. 8. 16 Bro. Peace. 6.*

A Warrant may be directed to an Officer and a private Person joyntly, and either of them may execute it, because 'tis for the Execution of Justice and so for the publick good, *Crompt. 147.*

If a Justice directs his Warrant to the Sheriff, he may by word only Command his under Sheriff, Bayliff or known Officer to serve it, and a Servant so his own, by his Command, may execute it, *Lamb 91 Bro. Faux. Imp. 43 Bro. Tres. 339. 8 Ed. 4. 14 Co. 9. 69.*

Note, Every Person to whom a Warrant is directed ought to Execute it with speed and secrecy:

Note, Also that a sworn and known Officer need not shew his Warrant to the Person, upon whom he serves it, but if directed to a Private Person it must be shewed if demanded, or else such Person may make resistance,

Br.

Br. Faux. Imp. 23. and the Officer must declare the contents of his Warrant, *Co. 6.* 54. and 9. 68.

If a Person say I Arrest you in the Kings name, &c. the party ought to obey him though he know not whether he be an Officer or no, and if it appear after that he was none, a false Imprisonment lyes against him, but otherwise it is where the party knows that he is no Officer, *Co. Lit.* 9. 69.

If a Warrant is made to apprehend I. S. and there be several of the same name, and he Arrest the wrong Person, for this he is liable to an Action of false Imprisonment.

If an Officer Arrest a Person for the Peace, &c. without any Warrant, and afterwards a Warrant thereof comes to his hands, yet the Arrest was wrongful, and he is Subject to an Action of false Imprisonment, 43. *Elix. cap.* 6 Dy. 244 *Bro. 248 Lamb.* 93.

If a Warrant be against I. S. the son of W. S. and the Officer Arrest I. S. the son of T. S. though this be the Offender, yet it is false Imprisonment, 112 *Ed.* 4. 12 *Bro. Faux. Imp.* 38.

If an Officer by Warrant Arrest a man, and let him go upon— to appear, &c. though he appear not, the Officer cannot take him again by virtue of that Warrant, for it was once executed, but if the Party had made his escape, he might take him again upon fresh pursuit, though in another County, *Cro. Car.* 148, 212.

If a Justice grant a Warrant for a matter whereof he hath Jurisdiction though beyond his Authority it must be obeyed by the Officer, as to Arrest one for the Peace or good behaviour, though there be no cause for it, but if a Justice grant a Warrant for a matter whereof he hath no consuance, the Officer ought not to obey it, and he is to take notice of it at his peril, 22 *A's.* 64. *Plow.* 394. 1 *Bro.* 106 *Co.* 10, 76. 14 *H.* 8. f. 16 *Bro. Faux. Imp.* 8 *Lamb.* 67, 94 *Crompt.* 74.

CHAP. CIV.

Watch

IN great Towns walled, the Gates shall be shut from Sun-setting until Sun-rising and none shall lodge in the Suburbs, except his Host will answer for him; *H. 4. cap. 5. 5. Ed. 3. Cap. 15.*

Every Justice may cause Night-watch to be duly kept and that by the first *Assignavimus* in his Commission. This Watch must be kept in every Town, from Sun-rising to Sun-setting, and from the Feast of the Ascension until *13. Ed. Hamb. 190. See what the duty of a Watchman. Tit. Arrest, &c.*

1. No man is compellable to Watch except he be an Inhabitant in the Town.

2. Such Inhabitants are not to Watch as the Constable shall direct, but according to usage, for the Statute of *Whinchester* is express, that Watches shall be kept as hath been used in times past, which is commonly by the houle.

3. If a Person who ought to Watch being commanded so to do by the Constable, shall refuse, he may set him in the Stocks, yet *quere*, or the Constable may present him at the Assise or Sessions, or complain of him to a Justice, who shall bind him to the Sessions.

Note, that Watching is properly for the Night, and Warding for the day time, and both of them must be performed by men of able bodys, and sufficiently Weaponed.

Warding is for the apprehending of Rogues, and such evil members, and therefore is of great use and must be left to the discretion of Constables, and Justices to appoint or alter it according to their discretion.

CHAP.

CHAP. CV.

Of Weavers.

None using the Trade of Cloth-working out of a City or Burrough, &c. shall keep above one Loom in his Possession; or make Profit of Setting and letting of a Loom, or forfeit twenty shillings, 2, 3 *Ph.Ma. cap. 11.*

No Wollen-weaver living out of a City, &c. shall keep above two Loom or make Profit by any other Loom or forfeit twenty shillings.

None using the Trade of a Weaver and not Cloth-working shall keep a Tucking-mill, or use the Trade of a Tucker, Fuller, or Dyer, or forfeit for every week twenty shillings.

No Fuller or Tucker shall keep a Loom or make Profit thereby, or forfeit twenty shillings for every work.

No Wollen-weaver living out of a City, &c. shall take any Apprentice, &c. except his own son, or such a one whose Parent hath three pounds *per annum* in Lands, and for every three Apprentices shall keep one Journeyman; 5 *Eli. cap. 4.*

No Person shall use the Trade of a Weaver, &c. except he hath been an Apprentice, or used the Trade seven years.

The forfeitures shall go to the Queen and the Prosecutors.

CHAP.

CH A P. C VI.

Of Weights and Measures.

Two Justices (*Quorum unus*) may hear and determine the faults of Officers in City, &c. who do not twice every year Examine all Weights and Measures within their Jurisdiction, and break and burn the defective, 11 H. 7. cap. 4. Lamb. 345.

Two Justices may determine the faults of such as buy and sell by unlawful Weights and Measures, and may fine the Offenders, and issue Process against them as if Indicted of Trespas.

By the Statute of *Magna Charta* cap. 25. there shall be but one Weight and one Measure of Corn, Wine, Beer and Ale, and one yard throughout the Realm, See the 17 Car. cap. 19. whosoever shall keep or sell by any unlawful Weight, Measure or yard, shall forfeit five shillings for every offence, being Convict by one Witness before any Justice of Peace, &c. to the use of the poor and levied by distress, &c.

It is now Provided by the 22 Car. 2. cap. 8. and 22 and 23. Car. 2. cap. 12. that all Salt and Grain be sold by Winchester, containing eight Gallons to the Bushel and the Bushel to be striked to the brim by the seller, on pain to forfeit twenty shillings for every Offence.

If any Major, &c. shall willingly permit, &c. any other Measure to be used, or otherwise upon complaint, shall not duly punish and reform the same, shall forfeit five pounds to the poor and Informer, to be levied by distress, &c.

Clerk of the Market neglecting to Seal, shall forfeit for the first Offence five pounds, for the second ten Pounds and his Fee of sealing shall be but one penny only.

Buyers of Corn in Markets by the Bag or unmeasured being thereto required, shall forfeit the value.

Upon Complaint hereof the defendant shall prove that he bought the Corn according to the Statute, such as are

to

to have the benefit of the Market ought to Seal, Rent Corn, &c. shall be paid by such measure as formerly.

A clause in the Statute of the 17 Car. 1. cap. 19. touching Water-measure is Repealed.

The Duty of the Clerk of the Market.

Of the Kings Household, and of the Duke of Cornwall shall execute their Office within the Verge only, and Majors, &c. within their Libertys, 17 Car. cap. 19.

Clerk of the Market not Sealing such Weights, &c. as are according to their Standard, and that for their usual Fees shall forfeit five pounds, if they by colour of their Office shall take any other Reward, &c. Or shall set any Fine, &c. or shall otherwise misdemean themselves, they shall forfeit five pounds for the first Offence, ten pounds, the second, and twenty pounds for every further Offence, *Ibid.*

Notwithstanding the Statute of *Magna Charta*, and other Statutes, there always hath been, and still are two kinds, of Weights in England, and warranted, Troy Weight, and Averdupois.

First, Troy weight, this is by Law, and hereby are weighed Gold, Silver Pearl; Precious Stones, Silks, Electuaries, Bread, Wheat and Grain; And containeth twelve ounces or twenty shillings Sterling weight and no more, it is called *libra medica*, or *libra unica Trojana*.

Secondly Averdupois weight, this is by Custom, yet confirmed by Statute 27 Ed. 3. cap. 7. and hereby are weighed all Grocery wares Druggs, Butter, Cheese, Flesh, Wax, Pitch, Tar, Tallow, Wools, Hemp, Flax, Iron, Steel, Lead, and as it seems all Commodities not before named, especially things that are to be garbled, and whereof comes refuse; This is called *Libra civilis*, and hath sixteen ounces, or twenty five shillings sterling weight to the pound.

It is a French word and is as much as to have full weight, and to every Hundred is allowed twelve pounds *pro rata*.

R

14 Ounces

14 Ounces and a half and two pence weight Troy, do make 16 Ounces Averdupois.	
Averdupois weight	7 { Pounds or Pints } Averdupois, make the Gallon.
	14 { Pounds or Pints } Averdupois, make the Peck.
	56 { Pounds or Pints } Averdupois, make the Bushel.
Troy Weight	Pints or 5120 512 256 64 16 8 4 Pounds, 2560 256 128 32 8 4 2 Quarts, 1280 128 64 16 4 2 1 Pottles, 640 64 32 8 2 1 Gallons, 320 32 16 4 1 Pecks, 128 16 4 1 Bushels, 64 8 2 1 Coombs, 20 2 1 Quarters, 10 1
	Measure of Corn, accord- ing to Aver- dupois Weight.
	Measure of Grain accord- ing to Troy Weight.
	Ten Quar- ters of Corn is a Last.

Beer Measures.		Ale measures.	
Pints,	168 144 72 8 4 2	256 128 64 32 16 8 4 2	One hundred twenty eight One hundred twenty eight Sixty four Thirty two Sixteen Eight Four Two
Quarts,	144 72 36 4 2 1	128 64 32 16 8 4 2	Four Two One One One One One One
Pottles,	72 36 18 2 1	64 32 16 2	Four Two One One One One One One
Gallons,	36 18 9 1 1 1 1 1 1 1	32 16 8 4 2 1	Five Two One One One One One One One One
Firkins,	4 2 1	4 2 1	Four Two One One One One One One One One
Kilderkins,	2 1	2 1	Two One One One One One One One One One
Barrel,	1	1	One One One One One One One One One One

See for Corn, Beer and Ale, more fully in that which follows.

{ Thirty two Wheat corns taken in
the midst of the Ear weigheth } Troy
one penny Sterling. } Weight
Twenty pence Sterling maketh
the Ounce Troy.

Twelve { Weight one pound }
Ounces { Troy. } Measures
maketh in { Measure one Pint. }
Two Pints or Pounds, maketh the Quart.
Two Quarts maketh the Pottle.

{ Eight Pints }
Four Quarts } maketh the Gallon.
Two Pottles }
Eight Quarts make the Peck.

{ Sixty four Pints }
Thirty two Quarts } maketh the Bushel or
Eight Gallons } Firkin
Four peck }

{ Sixteen Gallons } maketh the { Kilderkin
Two Firkins } Half Barrel
R 2 { Rondlet
Two

Two hundred fifty six Pints		maketh the	Coomb or Barrel	
One hundred twenty eight Quarts				
Thirty two Gallons				
Four Firkins				
Two Kilderkins				
Four Bushels				
Five hundred & twelve Pints		maketh the	Quarter or Hoghead.	
Two hundred fifty six quarts				
Troy weight	Sixty four Gallons			
	Eight Firkins			
	Four Kilderkins			
	Two Barrels			
	Eight Bushels			
So the	Pint and Pound		are of like content.	
	Firkin and Bushel			
	Barrel and Coomb			
	Hoghead and Quarter			

Also the Statute of, 23 H. 8. cap. 4. doth limit the weight of every of these three Vessels here next named, being empty, as followeth, *Sc.*

1. The Barrel
 2. The half Barrel or Kilderkin
 3. The Firkin
- must weigh being empty
- | | |
|----|--------|
| 26 | Pounds |
| 13 | |
| 6½ | |

The Bushel must contain eight Gallons or sixty four pounds or Pints of Wheat, 31 Ed. 1. 12 H. 7. cap.

Eight Bushels stricken make a Quarter of Corn, 11 H. 7. cap. 4. 25. Ed. 3. cap. 10. 34 Ed. 3. cap. 6.

Water Measure sold on Shipboard, shall contain five Pecks, stricken to the Bushel.

The Clerk of the Market must carry with him, all Weights and Measures signed according to the Standard, and ought to have his directions with him out of the Chequer, and one Justice at the least ought to sit with him to see that the Kings subjects be not wronged.

It was resolved by all the Justices, M. 39. and 40. Eli. That if the Clerk of the Market take any Fee for examining

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and for viewing, &c. before sealed, the same is Ex-
tortion, *Moore Rep.* 23. 23.

It is the duty of the Clerks of the Market to take
charge of the Kings measures, as the Examples and Pat-
terns of all the measures throughout the Realm, as of
Ells, Yards, Bushells, Pecks, Gallons, Pottles, Quarts,
Pints, &c. *Fleta. li. cap. 8. 9. &c.* And these he must
have with him when he goes to Assay Weighs and Mea-
sures, *16 R. 2. cap. 3.*

For the Assise of Bread take these few observations fol-
lowing, and for your fuller Information see the Book
made for the Assise thereof.

Note. That all sorts of Bread must be weighed by
Troy weight.

2. *Post Septem dies, panes non penderunt.*

3. The Baker shall sell to Victuallers, &c. thirteen
penny worth of Bread for twenty pence both of Man,
Bread and Horse-Bread.

4. Every Baker shall have a Mark upon his own
Bread.

5. Every sort of Bread shall be weighed according to
the price of the middle sort of Corn.

6. None shall be a Common Baker except he hath
been an Apprentice seven years to the Trade.

7. He ought to make three sorts of Bread for the Sub-
jects, *viz.* White Bread, Wheaten and brown Bread,
besides Horse Bread.

8. The Baker of Citys and Towns Corporate shall
have six shillings allowance for Baking of every quarter
of Wheat over and above the second price of Wheat in
the Market.

9. Bakers inhabiting out of Citys, &c. shall have four
shillings allowance for their charges in baking every
Quarter, &c.

10. Foreigners shall weigh six ounces in the penny
Loaf more then the Town dwellers, for that they bear
not such Scot and Lot as others do.

11. Three Horse loaves shall be sold by the Baker for
a penny, thirteen pence for twelve pence and every of
these Loaves shall weigh the full weight of a penny white
Loaf whatever be the price of Wheat.

If a Baker Offend he shall to the Pillory and the Bre-
wer to the Tumbrel as Mr. *Lambert* hath it, *fo. 62.*

And therefore within every Lect or Market there
ought

ought to be a Pillory, and Tumbrel to punish the Offenders, *F. ab. Leet.* 12. and for want thereof the Lord of the Leet or Market shall make fine to the King; *Cro. Car. 140.* They which have the Correction of the Assise of Bread and Beer, if they have not a Pillory and Tumbrel shall forfeit the Franchise, *Cro. Car. 148.*

If the Steward of a Leet shall take Money of an Offender in the Assise of Bread or Ale, to spare the punishment of the Tumbrel, the Leet shall be seized into the Kings hands, *Cramp.* 181.

The Millers Toal-dish ought likewise to be according to the Standard; Millers ought to take their Toal but the twentieth part or twenty fourth part according to the strength of their water, *Stat. 3. Ed. 1. de Piscal.*

In some places the Miller claims the sixteenth part as by the Custom of the place, *tamen quere.*

The Miller ought to take but one quart for grinding one Bushell of hard Corn, and if he fetch and carry back the Grist to the owner, he may take two quarts, now hard Corn is intended Wheat, Ry and Mesline, and for Mault he shall take but halffo much Toal as he takes for hard Corn for the Mault is more easily ground, but if he fetch and carry back the Mault he shall have double Toal. *Cramp.* 221. 224.

Millers are not to be Common buyers of Corn, but the same again in Corn or Meal.

Measures of Wine, Beer, and Ale, &c.

Wine	} their measures are all one	Ronlet, 16 and di	} Gallons.
Oyl and		Barrel, 32 and di	
Honey		Hoghead 63	
		Pipe 126	
		Tun 252	

Yet for Honey the Assize is altered to 32 Wine Gallons the Barrel, 16 gallons the Kilderkin, &c. 23 *Ed.*
8. *P. W. 4. 6.*

Beer the Measure thereof is as followeth, <i>sc.</i> the	} Firkin, 9 Kilderkin, 18 Barrel, 36	} Gallons.

And so Beer-Measure containeth in the Barrel 4 Gallons more than Wine, or any other Vessel,

Ale, the measure thereof, is as followeth, <i>sc.</i> the	} Firkin, 8 Kilderkin, 16 Barrel, 32	} Gallons.

No Cooper shall make any other Vessel for Beer, or Ale, to be sold within this Realm of any greater or lesser number of Gallons then is aforesaid, unless he shall cause to be marked upon every such Vessel (of greater or lesser number of Gallons) the true and certain number, how many Gallons every such Vessel shall contain, 23 *H.*
8. *cap. 4.*

No Brewer shall put any Beer or Ale (to be spent in this Realm) in any other Vessel then is so marked as above said, and every of them must contain as many Gallons as aforesaid, *Ibid.*

The Wardens of Coopers in all Citys, &c. where there be such Wardens, and in all other Towns, or Burroughs, the Major, Sheriff, Bayliff, Constable or other Head Officer, may search and gage all such Vessels, &c. whether they be of such size as aforesaid, and if they find any Vessel defective, they may mark or amend the same, or else cause the same to be burned, *Ibid.*

It was agreed by all the Justices (as it is reported by Mr. *Crompton*) that the same Measure should be for Wine and

and Ale, and since by the Statute 1 *Fac. cap. 9.* it is provided that Ale, &c. be sold by retail by one and the same Measure, *viz.* by the Ale quart.

By the Statute; 23 *H. 8. cap. 4.* Two Justices of Peace in the County, or the Major or other head Officer in Towns Corporate may Assess the prices of all Vessels for Beer and Ale; But now the Statute 8 *Elix. cap. 9.* The Assessment of the prices thereof shall be by the Major part of the Justices at their *Easter Quarter Sessions*; And that only of Vessels made and sold out of Cities and Towns Corporate.

The Barrel, half Barrel and Firkin of Sope, shall be of the same content and Measure that Ale is, *viz.* one Barrel to contain thirty two Gallons or above, and the empty Vessels not to weigh above twenty six pounds, the empty Firkin not to weigh above six pounds and a half, and to contain eight Gallons at least.

Butter shall be sold by the same Measure that Sope is sold by, 14 *Car. 2. cap. 26.*

A Weigh of Cheese must contain thirty two Cloves, every clove eight pound of *Averdupois* weight.

Every pound of Beef and other Flesh must contain sixteen ounces *Averdupois*, and eight of such pounds make a Stone.

Barrel, &c. of Herrings shall be of the same content that Ale is of 11 *H. 7. cap. 23.* 13 *Elix. cap. 11.*

Herrings also may be sold by Tale, *Sc.* six score being to the hundred, ten hundred to the thousand, and ten thousand to the Last, 31 *Ed. 3. cap. 2.*

For contents of Vessels for Salmon and Eels, *Vid Stat.* 11 *H. 7. cap. 23.*

Fourteen pound weight of Wooll goes to the Stone, twenty eight pounds makes a — and twenty six Stone goeth to the Sack. 11 *H. 7. cap. 4.*

Twenty pound weight of Hemp maketh the Stone, 21 *H. 8. cap. 12.*

Eight pound of Sugar, Spice, and Wax, maketh the Stone, and thirteen Stone and a half are a hundred pounds, maketh the hundred *Rastal* weight 8.

Of Hops five score and twelve pounds maketh the hundred.

For weight of Lead see *Rastal* weights 8. and there also for the contents of Iron, Glafs, Linnen Cloth &c.

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All other Commodities of Tale or number are to be sold by the hundred.

Cattle and Fish are sold six score to the hundred, only Bard fish must contain eight score.

All headed things, as Nails, Pins, &c. must be sold, six score to the hundred.

All other things whatsoever have but five score to the hundred.

A Sack of Cole is four Bushels; Now for the Aune of Cole, Tallow, and Biller, and Faggot, See Stat. 7 Ed. 6. cap. 7. 43 Eliz. cap. 14.

Timber well hewed and squared fifty foot of it makes a Load.

Lath contains five foot in length, two Inches in breadth, and half an inch in thickness.

Six score Tyles go to a hundred, for the Aune thereof. See 17 Ed. 4. cap. 7.

Ten Ream make a Bale of Paper, a Ream is twenty Quire, a Quire is twenty five Sheets.

A Roll of Parchment is five Dozen or sixty Skins.

Three Barley Corns measured from end to end, or four in thickness make an Inch.

Four Inches makes a handful, 7 H. 8. 6.

Twelve Inches goes to a foot.

Three foot to a yard.

Three foot nine inches to an Ell.

Five foot make a Geometrical Pace.

Seven foot makes a Fathom.

Five yards and half (which is sixteen foot and an half) make a Pole, Rood or Pearch, Ibid.

And yet the Pole varys by usage in many Countrys,

in some 'tis eighteen foot, in some one and twenty foot,

in some twenty four foot. And if a man sell Land by the Acre, it shall be measured according to the usage of the place, and not according to the Statute, Co. 6. 67.

43 Ed. 3. f. 18 Crom. des Court fo. 2. 3. and 222.

Note, That no measure shall be sealed but the Bushel

half Bushel, Peck, Gallon, Pottle, Quart and Pint, Cromp. 222.

Forty Pole in length maketh a Furlong, eight Fur-

long (or three Pole) maketh an English mile, 35 Hen.

cap. 6.

Our English miles contain two hundred and eighty foot

more then the Italian, the Italian mile being of a thou-

sand

land paces, and five foot to a Pace, so that it is in length five thousand foot, and our miles five hundred and eighty foot which is one thousand seven hundred sixty yards.

Forty foot in length and four in breadth (or a hundred and sixty Pole) do make one as, *Stat. compos. ultimum* and *Stat. 24 Ed. 1. and Co. 9. 124.*

In the principal Shire Town, at least there ought to be Standards of Brass for weights and measures, for the Bushel and Gallon according to the Kings Standard, by the granting of which every Market Town in the same Shire ought to have their Common Weights and Measures to be marked by him who keeps the Standard, *11 H. 4. 12 H. 7. cap. 5.* upon pain of five pounds to every City and Borough; and of forty shillings to every other Town for default. *See 11 H. 6. cap. 8. & H. 6. cap. 5.*

And no Person ought to buy or sell by any other Weight or Measure whether within a Market or without it, and the same shall be likewise sealed, or forfeit the Goods and two years imprisonment, to be fined and ransomed, and yeild quadreble damages, *Crompt. 94. Relat. Th. Weights.*

For the Fees to the Clerk of the Market for sealing all weights and measures, *See Stat. 21 H. 7. cap. 4. 34.*

The Names of the Principal Towns in every Shire (or County) appointed to have the keeping of Standards for the Weights and Measures according to their Statutes.

Bedfordshire, the Town of Bedford.
 Berkshire, the Town of Reading.
 Bristol, the same Town.
 Buckinghamshire, the Town of Buckingham.
 Cambridgeshire, the University of Cambridge.
 Cheshire, the City of Chester.
 Cornwall, the Town of Lustythiel.
 London, the same City.
 Middlesex, the City of Westminster.
 Norfolk, the City of Norwich.
 Northamptonshire, the Town of Northampton.
 Northumberland, the Town of New Castle.
 Nottinghamshire, the Town of Nottingham.
 Oxfordshire, the University of Oxford.
 Cumberland, the City of Carlisle.
 Derbyshire, the Town of Derby.
 Devonshire, the City of Exeter.
 Dorsetshire, the Town of Dorchester.
 Essex, the Town of Chelmsford.
 Gloucestershire, the Town of Gloucester.
 Hampshire, the City of Winchester.
 Hertfordshire, the Town of Hertford.
 Herefordshire, the Town of Hereford.
 Huntingdonshire, the Town of Huntingdon.
 Kent, the Town of Maidstone.
 Lancashire, the Town of Lancaster.
 Leicestershire, the Town of Leicester.
 Lincolnshire, the City of Lincoln.
 Rutlandshire, the Town of Uppingham.
 Shropshire, the Town of Shrewsbury.
 Cinque Ports, the Castle of Dover.
 Staffordshire, the Town of Stafford.

Somerset

Somersetshire, the Town of Ilchester.
Soushampton, the same Town.
Suffolk, St. Edmundsbury.
Surrey, the Town of Guildford.
Sussex, the Town of Lewes.
Warwickshire, the Town of Coventry.
Westmoreland, the Town of Appulby.
Wiltshire, the City of Salisbury.
Worcestershire, the City of Worcester.
Yorkshire, the City of York.
Stat. 11 H. 7.

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A
COLLECTION
Of Authentic useful
PRECEDENTS
IN ALL

CASES,

Which do properly Concern, or are Relating

TO, THE

OFFICE

OF A

Justice of the Peace.

TOGETHER,

With Indictments for not Re-
pairing of HIGH-WAYS, and
BRIDGES.

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PRECEDENTS

IN ALL

CASES,

Relating to the

OFFICE

OF A

Justice of the Peace, &c

Part II.

The Form of the Commission of Peace.

JACOBUS Secun^{us}, &c. Prædicto & fideli Francisco Domino G^{ro}rd Custod. magni Sigili Angliæ, &c.

Sciatis, quod assignavimus vos, conjunctim & divisim p^{ro} d^{omi}no Pacem & quælibet vestrum, Justiciarios nostros ad pacem no- conservan-
dum in Comitatu nostro Devonie conservandum: Ac ad omnia dum.
ordinatione & Statuta pro bono pacis nostræ ac pro conserva-
tione ejusdem, & pro quieto regimine & gubernatione Populi
nobis edita, in omnibus & singulis suis Articulis in dicto
Comitatu nostro (tam infra libertates, quam extra) juxta
formam, & effectum eorundem custodiendum, & custodi-
ni faciendum. Et ad omnes contra formam ordinationum vel
Statutorum illorum aut eorum alicujus, in Com^{itatu} præd^{icto} delin-
quentes, castigandum & puniendum, prout secundum formam
ordinationum & Statutorum illorum fuerit faciendum; & ad
omnes illos, qui alicui, vel aliquibus de populo nostro de cor-
poribus

poribus suis, vel de incendio domorum suarum, minas fecerint ad sufficientem securitatem de pace vel bono gestu suo, erga nos & populum nostrum inveniendum coram vobis, seu aliquo vestrum venire faciendum. Et si huiusmodi securitatem invenire recusaverint, tunc eos in prisonis nostris (quosque huiusmodi securitatem invenerint) salvo custodiri faciendum.

Assignavimus etiam vos & quoslibet duos, vel plures vestrum (quorum aliquem vestrum, A, B, C, D, E, F. Et unum esse volumus) Fusticiarios nostros, ad inquirendum per Sacramentum proborum & legalium hominum de Comitatu prædicto (per quos rei veritas melius scire poterit) de omnibus & omnimodis felonis, veneficiis, incantationibus, sorilegiis, arte magica, transgressionibus, forestallariis, regnariis, ingrossariis & extortionibus quibuscunque: Ac de omnibus & singulis aliis malefactis & offensis (de quibus Fusticiarii pacis nostra legitime inquirere possunt, aut debent) per quoscunque & qualitercunque in Comitatu prædicto factis sive perpetratis, vel imposterum ibidem fieri, vel attemptari contigerint.

Ac etiam de omnibus illis qui in Comitatu prædicto in articulis contra pacem nostram, in perturbationem populi nostri, seu vi armata ierint, vel equitaverint, seu imposterum, vel equitare presumpserint: Ac etiam de omnibus qui ibidem ad gentem nostram machinandum, vel interficiendum in insulam jacuerunt vel imposterum jacere presumpserint: Ac etiam de Melariis, & aliis omnibus & singulis personis, qui in abusu ponarum vel mensurarum, sive in venditione victualium, contra legem Ordinationum & Statutorum vel eorum alicujus, inde contra communem utilitatem regni nostri Angliæ, & Populi nostri ejusdem, editorum deliquerint, vel attemptaverunt, seu imposterum delinquere, vel attemptare presumpserint in Ccm. præd.: Ac etiam de quibuscunque vicecomitibus Ballivis, Seneschallis, Constabulariis, Cancellariis Gaolarum, & aliis officiariis, qui in executione officiorum suorum (circa præmissa seu eorum aliqua) indebitum se habuerunt, aut imposterum indebitum se habere presumpserint, aut repidi, remissi vel negligentes fuerunt, aut imposterum fore contigerint in Comitatu prædicto: Et de omnibus & singulis articulis & circumstantiis, & aliis rebus quibuscunque per quoscunque & qualitercunque in Comitatu prædicto factis sive perpetratis, vel quæ imposterum ibidem fieri, vel attemptari contigerint, qualitercunque præmissorum, vel eorum aliquid concernentibus plenius veritatem, & ad indistincta quæcunque sic coram vobis, seu aliquibus vestrum, capta, sive capienda aut coram aliis nuper Fusticiariis pacis in Com. præd. fa-

Aggravimus deniq; te præfat. J. B. Mil. Cust. Rot. pacis nostræ in
Comitu nostro. Ac propterea tu, ad dies & loca prædicta,
Brevia, Precepta, Processus, & Indictamenta prædicta, co-

*nam te & dictis sociis tuis venire facias, ut ea inspiciantur
& debito fine terminentur, sicut prædictum est. In cuius
Testimonium, &c. Datum, &c.*

The Form of the Oath of Justices of the Peace, is at this day, as followeth.

YE shall swear, That as Justice of the Peace in the County of *Devon* in all Articles, in the Kings Commission to you directed, you shall do equal right to the Poor and to the Rich, after your cunning, wit, and power, and after the Laws and Customs of the Realm and Statutes thereof made: And ye shall not be of Counsel of any quarrel hanging before you: And that ye hold your Sessions after the form of Statutes thereof made: And the issues, fines and amerciaments, that shall happen to be made, and all Forfeitures which shall fall before you, ye shall cause to be entred without any concealment (or imbezilling) and truly send them to the Kings Exchequer: Ye shall not Lett for gift, or other causes, but well and truly you shall do your office of Justice of the Peace in that behalf: And that you take nothing for your office of Justice of the Peace to be done, but of the King, and Fees accustomed, and Costs limited by the Statute: And ye shall not direct, nor cause to be directed, any Warrant (by you to be made) to the parties, but ye shall direct them to the Bayliffs of the said County, or other, the Kings Officers (or Ministers) or other indifferent persons, to do execution thereof: So help you God, &c.

The parts of this Oath are shortly thus.

1. **T**hey shall do equal right to the Rich and Poor, and according to the Laws and Statutes of the Realm.
2. They shall not be of Counsel with any person in any matter depending before them.
3. That they shall keep their Sessions according to the Statutes, which (as it seems, by the prescript of the Statute, 2 H. 5. cap. 4.) ought to be in the first week after the Feast of St. Michael, after the Epiphany, after the

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the Clause or Feast of *Easter*, and after the Translation of *St. Thomas* the Martyr, being the third day of *July*. And accordingly, the Quarter Sessions of the Peace ought so still to be holden throughout the Realm; See *Law* 379, 380. And yet by the Statute of 14 H. 6. C.

4. The Justices of the Peace of *Middlesex*, are to keep their Sessions but twice in the year.

4. That all issues, fines, amercements, and forfeitures which happen before them, be by them truly entered, and sent into the Exchequer.

5. That they take nothing for doing of their Office, but of the King and the accustomed Fees appointed by the Statutes.

6. That they shall not direct any their Warrants to the parties, but to the Bayliffs of the County, or to other the Kings Officers, as to the Sheriff, High-Constables, petty Constables, &c. or other indifferent Persons.

The Form of the Oath of Supremacy.

I Sir *Thomas Putt* do utterly testify and declare in my Conscience, that the Kings Highness is the only Supreme Governour of this Realm, and of all other his Highness Dominions and Countries, as well in all Spiritual or Ecclesiastical things (or causes) as Temporal, and that no Forreign Prince, Person, Prelate, State, or Potentate, hath, or ought to have any Jurisdiction, Power, Superiority, Preheminence, or Authority, Ecclesiastical or Spiritual, within this Realm: And therefore I do utterly renounce and forsake all Forreign Jurisdiction, Powers, Superiorities & Authorities, and do promise, that from henceforth I shall bear Faith and true Allegiance to the Kings Highness, his Heirs and lawful Successors and (to my Power) shall assist and defend all Jurisdiction, Priviledges, Preheminence; and Authorities, granted, or belonging to, the Kings-Highness, his Heirs and Successors, or united and annexed to the Imperial Crown of the Realm. So help me God, &c.

The Form of the Oath of Allegiance.

I Sir William Courtney Baronet, do truly and sincerely acknowledge, profess, testify and declare in my Conscience before God and the World, that our Sovereign Lord King *JAMES* is lawful and rightful King of this Realm, and of all other his Majesties Dominions and Countries: And that the Pope, neither of himself nor by any Authority of the Church, or See of *Rome*, or, by any other means, with any other, have any Power or Authority to depose the K. or to dispose any of his Majesties Kingdoms or Dominions, or to Authorize any Forreign Prince, to invade or annoy him, or his Countries, or to discharge any of his Subjects of their Allegiance and Obedience to his Majesty, or to give License or leave to any of them to bear Arms, raise Tumults, or to offer any violence or hurt to his Majesties Royal Person, State, Government, or to any of his Majesties Subjects, within his Majesties Dominions. Also, I do swear from my heart, that notwithstanding any Declaration or sentence of Excommunication or Deprivation made or granted, or to be made or granted by the Pope or his Successors, or by any Authority deriv'd, or pretended to be derived from him or his See, against the said King, his Heirs and Successors, or any absolution of the said Subjects from their obedience, I will bear Faith and true Allegiance to his Majesty, his Heirs and Successors, and him and them will defend to the uttermost of my power, against all Conspiracies and attempts whatsoever, which shall be made against his or their Persons, their Crown and Dignity, by reason or colour of any such sentence or declaration, or otherwise, and will do my best endeavour to disclose and make known unto his Majesty, his Heirs and Successors, all Treasons and Traiterous Conspiracies, Which I shall know or hear of, to be made against him or any of them. And I do further swear, That I do from my heart abhor, detest, abjure, as impious and Heretical, this damnable Doctrine and Position, That Princes which be excommunicated or deprived by the Pope, may be deposed or murdered of their Subjects,

or

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or any other whatsoever. And I do believe, and in my conscience am resolved, That neither the Pope, nor any other Person whatsoever, hath power to absolve me of this Oath, or any part thereof, which I acknowledge by good and full authority, to be lawfully administered unto me, and do renounce all pardons and dispensations to the contrary. And these things I do plainly and sincerely acknowledge, and swear, according to these express words by me spoken, and according to the plain and common sense and understanding of the same words, without any equivocation, or mental evasion, or secret reservation whatsoever. And I do make this recognition and acknowledgement, heartily, willingly and truly, upon the true Faith of a Christian. So help me God.
vide Stat.

A License to keep an Ale-house.

T *Thomas Putt Knight, William Bragge Esquire*, two Justices of the Peace, of our Sovereign Lord the Kings Majesty, in his Highnesses County of *D.* send Greeting in our Lord God Everlasting. Know ye, that we the said Justices, of good and credible report, to us made by divers credible and honest Persons, &c. That *J. W.* of, &c. is a Man meet to keep a common Ale-house in the House where he now dwelleth, have licensed, allowed & admitted, and by these presents do license, allow, and admit the said *J. W.* to keep a common Ale-house or Tipling-house at *L.* for one whole year next ensuing the date hereof, so that the said *J. W.* suffer not any unlawful Games to be used in his said House, nor any evil rule or order to be kept within the same, during the time of his said License, for the using of which Licence accordingly, we do you to wit, that we have bound the said *J. W.* in 10*l.* and two other sufficient sureties, in an hundred Shillings a piece by Recognizance to the Kings Majesties use. In witness whereof we have hereunto set our Hands and Seals. Dated, &c.

Recog=

Recognizance with the Condition.

THe Condition of this Recognizance is such : Where as the within bounden *J. W.* is admitted, and allowed by the within named *Thomas Putt Knight*, and *Will. Bragge Esquire* (two of his Majesties Justices of Peace, within the County of *Devon* within written) to keep a common Ale-house or Tipling-house, and to use common selling of Ale or Beer, only within the now House of him the said *J. W.* (and not elsewhere) scituate in the High-street of the Town of *L.* within written, and called the sign of the *Hart*: If therefore, he the said *J. W.* during such time as he shall keep such common Ale-house there, shall not suffer any unlawful play at Tables, Dice, Cards, Ten-nice, Bowls, Closh, Quoits, Loggets, or other unlawful Games to be used in his said house, or in his Garden or Orchard, or other his Ground or place (especially by Men Servants, Apprentices, common Labourers, or idle Persons) nor dress, or cause, or suffer, to be dressed, any Flesh to be eaten upon any day forbidden by the Laws and Statutes of this Realm of *England*; Nor willingly and willingly admit, or receive, into his said House, or any part thereof, any Person notoriously defamed of, or for, Theft, Incontinency, or Drunkenness, or that shall be before hand notified to him the said *J. W.* by the Constable of *L.* aforesaid, for the time being, or by his Deputy, to be an unmeet person to be received into a common Ale-house, nor shall keep or lodge there any strange person, above the space of one day and one night together, without notice thereof first given to the Constable or his Deputy there; and finally, if he the said *J. W.* during all the time that he shall keep common selling of Ale or Beer in the said House, shall and do there use and maintain good order or rule; then this present Recognizance to be void, &c. or else, &c.

A Warrant to suppress them.

T *Thomas Putt Knight, and William Bragge Esquire,* two of the Kings Majesties Justices of the Peace, within the said County of *Devon*, to the Constables of *L.* and either of them, Greeting. Whereas we are credibly informed, that *J. W.* of your Town, Ale-house keeper, is himself a Man of evil behaviour, and besides, doth suffer evil rule and disorder to be kept in his House, contrary to the Laws and Statutes of this Realm: These are therefore to will and command you, forthwith to repair to the House of the said *J. W.* and to charge him to surcease from keeping any longer any Ale-house or Tipling house, and from common selling of Ale or Beer at his peril; and withal, that you cause his Sign to be pulled down: hereof fail you not, as you and either of you will answer to the contrary at your peril. Given under our Hands and Seals at *B.* the 20 day of *August*, and in the year of our Most Gracious Sovereign Lord *James*, &c.

A Writ of Habeas Corpus against him that doth violate the Commandment.

T *Thomas Putt Knight, and William Bragge Esquire,* two of the Kings Majesties Justices of the Peace, within the said County of *Devon*, to the Keeper of the Kings Majesties Gaol at *E.* Greeting. Whereas *J. W.* of *L.* in the said County of *Devon*, (upon complaint lately made unto us of the evil rule kept and suffered by him in his House, and other misdemeanours) by Warrant under our Hands and Seals, was discharged of his Ale-house keeping, and was commanded from us, that he should use no more common selling of Ale or Beer; and whereas we are credibly informed, that the said *J. W.* (notwithstanding our said Warrant and commandment given him to the contrary, as aforesaid) hath ever

ver since obstinately, and upon his own Authority, taken upon him to keep a common Alehouse or Tipling House, and still continueth the same : We do therefore send you herewithal the Body of him the said *J. W.* commanding you in his Majesties Name, to receive him into your said Gaol, and there safely to keep him, until such time as he shall be from thence delivered by due order of Law, And hereof fail you not at your Perils, Dated at, &c.

**A Warrant to Levy Money, forfeited
by an Ale-house Keeper, or Ale-house
haunter.**

WILLIAM BRAGGE Esquire, one of the Kings Majesties Justices of the Peace, within the said County of *Devon.* to the Constables and Church-wardens of the Parish of *W.* and to every of them, Greeting. Forasmuch as it hath been duly proved before me, according to the Statute in that behalf provided, that all and every the Persons here under named, being Inhabitants within your Parish of *W.* upon the twelfth day of this instant Moneth of *November*, have been and continued Drinking and Tipling in the House of *G. W.* of your said Town (In-keeper or Ale-house-Keeper) contrary to the form of the same Statute. These are therefore in his Majesties Name, to charge and command you, and every of you, forthwith to levy by distress and sale of the Goods, of every the said Persons here under named, the Sum of three Shillings and four Pence a piece, if they shall refuse or neglect forthwith to pay the same ; (which several Forfeitures shall be bestowed and imployed by you, to the use of the Poor of your said Parish) and that you render to every the said Offenders, the Overplus that shall remain upon the Sale of their said Goods : And if the said Offenders, or any of them shall refuse or neglect to pay the said several forfeitures, and that you can find no sufficient Distress whereon to Levy the same, that then you the Constables or one of you, shall commit every such Offender or Offenders (refusing or neglecting to pay the said Sum

Sum of Forfeiture, and not having sufficient whereon to be distrained for the same) to the Stocks, there to remain by the space of four hours. And this shall be your sufficient Warrant herein. Dated, &c.

A Warrant to warn Ale-house-keepers to come and Renew their Licenses.

Devon. ss. *To the Constable, &c. of the Hundred of A. and to every of them.*

THESE are in his Majesties Name. to Command you to warn all the Licensed Ale-house-keepers, Victuallers, and such others within the said Hundred, as do use commonly Selling of Ale, Beer, Perry, or Sider, personally to appear before us at the House of *A. B. &c. (alias)* by Nine of the Clock in the Forenoon of the same day, and to bring with them, then and there, as well their former Licences and Certificates, under the hands of the Officers of Excise of their Composition for the Duty of Excise, and the Payment thereof, as also a Certificate of their Civil demeanour and fitness of themselves to be for that purpose new Licensed, and of the Convenience of Scituation and Accommodation of their said respective Houses for that purpose, the same Certificate to be Signed with the Hands, at least, of four Substantial honest discreet and civil Inhabitants of the respective Parishes where they do so now dwell, and have you there the names of such Persons as you shall have so warned, together with the Names of the several Parishes where the said Houses are Scituate, and by what Signs the same are so known, to the end that such of them may be continued, and such of them suppressed as shall be thought fit, and have you there also this precept. Given under our Hands and Seals at, &c.

Against

**Against an Ale-house Keeper or Vintner
for suffering to Tipple.**

**Devon. ss. To the Constable of the Hundred
of A. and to the Church-wardens of the
Parish of B. in the said County.**

FOrasmuch as it hath been duly proved before me,
this present Day, that *A. B.* of *B.* aforesaid Vi-
ctualler did, upon the Twentieth Day of *August* last
past, suffer *J. K.* and *L. R.* to remain and continue
Drinking and Tippling in the House of the said *A. B.*
aforesaid, contrary to the form of the Statute in that
Case made and provided. These are in his Majesties
Name to charge you, that you the said Constable or
Church-wardens do Levy for the Offence aforesaid, ten
Shillings to the use of the Poor of the said Parish of *B.*
by way of distress of the Goods and Chattles of the
said *A. B.* to be taken and detained for the same, and for
Default of Satisfaction within six days, that then you do
presently Appraise and Sell the same, and to deliver the
Surplusage or Remainder over and above, to the said *A. B.*
and for want of sufficient Distress, that you do Cer-
tify the same unto me, within twenty days next ensuing,
to the end, that I may further proceed therein as to
Justice doth appertain. Hereof fail not at your perils.
Given under my Hand and Seal the, &c.

Writimus for want of Distress.

**Devon. ss. To the Constables, &c. of the
Hundred of A. and to the Keeper of
his Majesties Gaol, for the said County
at M. in the County aforesaid.**

VHereas, upon the second Day of *July*, it
was duly proved before me, that *A. B.* in
the County aforesaid Victualler, did upon the first day of
May

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May last past, suffer *J. B.* and *O. F.* to remain and continue Drinking and Tipling in the House of the said *A. B.* in *B.* aforesaid, contrary to the form of the Statute in that case made and provided. And whereas by Warrant under my Hand and Seal, I did upon the said second day of *July*, command you the said Constable, or the Church-wardens of the said Parish, should Levy for the Offence aforesaid, ten Shillings for the use of the Poor of the said Parish, by way of Distress of the Goods and Chattles of the aforesaid *A. B.* to be taken and detained for the same, and for want of sufficient Distress, you the said Constable and the said Church-wardens aforesaid, did certifie the same unto me, within twenty days then next ensuing, to the end that I might further do therein, as to Justice doth appertain. And Forasmuch as *E. F. G. H.* and *T. L.* have this present Day certified unto me, that the said *A. B.* hath not sufficient Distress to be taken for the said *10s.* and that the same is not yet satisfied. These are therefore in his Majesties Name, to command you the said Constable, &c. that you, some, or one of you, do take the said *A. B.* and him safely convey to the Gaol aforesaid, and there deliver him to the aforesaid Keeper of the same, together with this precept, Commanding you also, the said Keeper, to receive the said *A. B.* into the said Gaol, and him there safely keep, until the said *10s.* be fully paid to the use aforesaid. Hereof Fail you not at your Perils. Given under my Hand and Seal, &c.

For Drunkenness, the first Conviction.

Devon. ff. To the Constables of the Hundred of A. and to the Church-wardens of the Parish of B. in the said County.

Forasmuch as it hath been this present Day duly proved before me, that *A. B.* of the Parish of *B.* in the said County, Labourer, was on the second day of *April* Drunk, in the Parish aforesaid, contrary to the form of the Statute in that Case made and provided. These are therefore

therefore in his Majesties Name, to command you, that you the said Constable or Church-wardens, do require the said *A. B.* to pay for the said offence, to the Hands of you the said Church-wardens, to be by you accounted for, to the use of the Poor of the same Parish, five Shillings of Lawful Money of *England*, within one week now next ensuing: And if the said *A. B.* shall refuse or neglect to pay the same as aforelaid, that then you, the said Constable or Church-wardens, do Levy to the use aforelaid, the said five Shillings, of the Goods of the said *A. B.* by Distress and Sale of the same, rendring unto him the overplus of the Money remaining of the Sale. And if the said *A. B.* be not able to pay the said sum of 5*s.* that then you the said Constable, do set him in the Stocks, there to remain by the space of six hours. Hereof, fail not at your Perils. Given under my Hand and Seal at, &c.

21 Jac. 7.

Convicted upon my view.

21 Jac. 7.

Convicted by his Confession before me.

For Drunkenness, the second Conviction.

Devon. sh. *To the Constables, &c. of the Hundred of A. and to every of them, and to the Keeper of His Majesties Gaol for the said County, at M. in the County aforelaid.*

FOrasmuch as it hath been this present day proved before me, that *A. B.* of the Parish of *S.* in the said County, Labourer, was upon the sixth day of *July*, drunk in the Parish of *S.* aforelaid, contrary to the form of the Statute, in that case made and provided. And forasmuch as the said *A. B.* hath been once before lawfully convicted of the said offence of Drunkenness. These are therefore in his Majesties Name, to command you the said Constable, &c. that you, some, or one of you, do cause the said *A. B.* to come before me, or some other

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other of his Majesties Justices of the Peace of the said County, to be bound with two sureties, to his said Majesty in one Recognizance or obligation of ten pounds, with condition, to be from henceforth of good behaviour, according to the form of the Statute, in that case made and provided, which, if he shall refuse to do, that then you do him safely convey to the Gaol aforesaid, and deliver him there to the said Keeper of the same; together, with this Precept, commanding also you the said Keeper, to receive him into the said Gaol, and him there safely keep, until he shall be so bound with two sureties, as aforesaid. Hereof fail you not at your Perils, Given, &c.

Against an Unlicensed Alehouse-Keeper, upon the Statute of 5. Edw. 6.

Devon. ss. To the Constables, &c. of the Hundred of A. and to every of them, and to the Keeper of his Majesties Gaol, for the said County at L. in the County aforesaid.

FOrasmuch as *A. B.* of &c. hath been this present day Convicted before us, of Obstinacy, and of his own Authority, Selling Beer and Ale——— at *L.* aforesaid, contrary to our Commandment. These are therefore in his Majesties Name, to command you the said Constable, &c. that you, some, or one of you, do take him the said *A. B.* and him safely convey to the Gaol aforesaid, and there deliver him to the said Keeper of the same, together, with this Precept, commanding also you the said Keeper to receive the said *A. B.* into the said Gaol, and him there safely keep, without Bail or Mainprize, by the space of three days: And until he shall enter into Recognizance with two sureties, according to the form of the Statute, in that case, provided that he shall not keep any common Ale-house or Tipling-house, or use commonly selling Ale, or Beer. Hereof fail not at your Perils. Given under our Hands and Seals, at, &c.

B b

Against

**Against an Unlicensed Alehouse-keeper,
upon the Statute of the 3. Car. 1.**

The First Conviction.

*To the Constables, &c. of the Hundred of
A. and to every of them, and to the
Churchwardens of the Parish of B. in the
County aforesaid.*

FOrasmuch as *A. B.* of *B.* in the said County Victual-
ler, hath this present day been according to the
form of the Statute in that case made and provided, Con-
victed before me for taking upon him of his own Autho-
rity, not being thereunto lawfully Licensed, to Sell Ale or
Beer in the Parish aforesaid, and by reason thereof he
hath forfeited and lost the Sum of twenty Shillings, of
Lawful Money of England, to the use of the Poor of the
said Parish: These are therefore in his Majesties Name
to Command you, that you the said Constable or Church-
wardens do Levy by way of Distress of the Goods and
Chattels of the said *A. B.* to be by you taken and de-
tained for the said twenty Shillings, to the use aforesaid.
And for default of satisfaction of the said twenty Shil-
lings, within three days after each Distress taken, you
do Appraise and sell the said Distress, and deliver the
overplus thereof to the said *A. B.* and if he shall not
have sufficient Goods and Chattels, whereby the said
Twenty Shillings may be Levied by way of Distress, as
aforesaid, and shall not pay the said sum of Twenty Shil-
lings, within six days next ensuing. That then you the
said Constable, &c. or some, or one of you do openly
whip him for the offence aforesaid. Hereof fail not at
your Perils, &c.

Against

**Against Unlicensed Alehouse-Keepers.
The Second Conviction.**

*To the Constable, &c. of the Hundred of
A. and to the Keeper of the House of
Correction, for the said County at L. in
the County aforesaid.*

Whereas, &c. (as in the Precedent Warrant to the
words, by reason) and forasmuch also as the said A.
hath once before, in like manner, been Convicted
of the like Offence. These are therefore in his Maje-
sties Name, to Command you the said Constable, &c.
that you, some, or one of you, do take the said A. and
him safely convey to the aforesaid House of Corre-
ction, and there deliver him to the said Keeper of the
same, together with this Precept, commanding also you
the said Keeper, to receive him into the said House, and
there safely to keep for the space of one Month,
and to deal with him as an idle lewd and disorderly Per-
son. Hereof fail not at your Perils, Given, &c.

The Third Conviction.

To the Constables, &c. (ut antea.)

Whereas, &c. (to these words by reason of) And
forasmuch also as the said A. B. hath been twice before
in like manner, Convicted of the like offence. These
are therefore in his Majesties Name, to command you
the said Constable, &c. that you, some, or one of you,
do take the said A. B. and him safely deliver to the Kee-
per of the same, together with this Precept, command-
ing also, you the said Keeper to receive him into the said
House, and him there safely keep. until, by order of the
Justices in the General Sessions of the County, he shall
be delivered from thence: And that you in the mean
time

time deal with him as an idle, lewd, and disorderly Person. Hereof fail not at your Perils, &c.

For Witnesses against an Unlicensed Alehouse-keeper.

Devon. ff. *To the Constables, &c. of the Hundred, of A. and to every of them.*

FORasmuch as Complaint hath been made unto me, That *A. B.* of the Parish of *C.* Victualler, doth take upon himself of his own Authority, not being thereunto lawfully Licensed to Sell, &c. in the Parish aforesaid. And forasmuch as I am credibly informed, that the several Persons, here undernamed, can (if they will) testify, that the said *A. B.* doth so do. These are, &c. to command you, some, or one of you, to give notice unto the said several Persons, that they, and every of them, are hereby required to come before me at, &c. (such a day) by ten of the Clock in the Forenoon, of the same day, then and there to testify their several knowledges, touching the Premises, whereof they, nor any of them, are not to fail at their Perils. And what you shall do herein, you shall make known unto me, at the time and place aforesaid. And have you then and there this precept. Given, &c.

A Warrant to suppress an Alehouse.

To the Constable, &c. of the Hundred, of A. and to every of them.

FORasmuch as we are credibly informed, that *A. B.* of, &c. doth suffer evil rule and disorder to be kept in his House in *L.* aforesaid, contrary to the Laws and Statutes of this Realm; for which we have thought fit to suppress him from any longer keeping an Ale-house or Tipling-house, or using commonly selling of Beer, Ale, Cyder,

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Cyder or Perry. These are therefore in his Majesties Name, to command you, that you, some, or one of you, do forthwith repair to the said *A. B.* and charge him to surcease from keeping any longer any Ale-house or Tippling-house, and from common selling of Ale, Beer, Cyder or Perry, at his Peril, and that what you shall do in the Premises, you, some, or one of you, do make known unto us, some, or one of us, with all convenient speed: Whereof fail not at your Perils. Given, &c.

Against an Ale-house-keeper for selling less than Measure.

Devon. sh. *To the Constable, &c. of the Hundred of A. and to the Church-wardens of the Parish of B. in the said County, and to every of them.*

Forasmuch as it hath been duly proved before me, that *A. B.* of the aforesaid Parish of *B.* did lately sell in his own House, less then one full Ale quart of the best Beer for one Penny, against the Form of the Statute in that case made and provided, by reason whereof, the said *A. B.* hath forfeited for his said Offence Twenty Shillings to the use of the Poor of the said Parish of *B.* These are therefore in his Majesties name to command you, that some, or one of you, do Levy to the use aforesaid the said Twenty Shillings, by way of distress of the Goods and Chattles of the said *A. B.* to be by you, some, or one of you taken and detained for the same. And for default of such satisfaction within six days next ensuing; that then you presently Appraise and sell the said Distress, and deliver the Surplusage or Remainder over and above to the said *A. B.* And for want of sufficient distress: That then you, some, or one of you do, within Twenty Days next ensuing, certifie unto me the default of such Distress. To the end that I may further do therein as to Justice doth appertain. Hereof fail not at your Perils, &c.

A Writimus for an Ale-house-keeper for want of Distress.

Devon. ff. To the Constables, &c. of the Hundred of A. and to every of them, and to the Keeper of his Majesties Gaol for the said County at L. in the County aforesaid.

V Hereas it hath been duly proved before me, That *A. B.* of the Parish of *C.* in the said County Labourer, did lately utter and Sell in his own House in *C.* aforesaid, less then one full Quart of the best beer for one Penny, against the Form of the Statute in that case made and provided. And whereas I did thereupon by Warrant, under my Hand and Seal, command you the said Constable, &c. and to the Churchwardens of the Parish of *C.* aforesaid, that you, they, or some, or one of you, or them, should Levy to the use of the Poor of the said Parish, Twenty Shillings for the Offence aforesaid, by way of Distress of the Goods and Chattels of the said *A. B.* to be taken and detained for the same, and for want of sufficient Distress, you, they, or some, or one of you, or them, should, within twenty days then next ensuing, certify to me, the default of such Distress, to the end, that I might further do therein, as to Justice doth appertain. And Forasmuch as that no sufficient Distress can be found to be certified unto me, whereby the said Twenty Shillings may be Levied. And that the same is not yet satisfied. These are therefore in his Majesties Name, to command you the said Constable, &c. that you, some, or one of you, do take the said *A. B.* and him safely convey to the Gaol aforesaid, and there deliver him to the Keeper of the same, to be by him there kept, until the said Twenty Shillings shall be truly paid, commanding also you the said Keeper to receive him into the said Gaol, and him there safely keep, until the said Twenty Shillings shall be paid accordingly. Hereof fail not at your peril. Given under my Hand and Seal at, &c.

A Licence to keep an Ale-house.

WE whose Names are here under Written, his Majesties Justices of the Peace of the said County, do, according to the form of the Statute in that case made and provided, Licence, admit and allow *A. B. of C.* in the said County, Victualler, to keep a common Ale-house, or Victualling-house, in the House where he now dwelleth in *C.* aforesaid, provided that the said *A. B.* do not suffer any unlawful Games to be used in his said House, but do use and maintain good Order and Rule within the same, provided also, that this Licence, shall not continue in force above the space of one Year next ensuing, at the most. Given under our Hands and Seals at *L. Sc.*

A Recognizance and Condition upon Licensing an Alehouse.

Devon. ff. **M**emorandum quod undecimo die Octobris anno Regni Domini nostri Jacobi Secundi (*Dei gratia*) Angl. Scoc. Franc. et Hibern. Regis Fidei defensoris, etc. i. apud *L.* in Com. præd. *A. B. de Sc. C. D. et E. F. &c. Personaliter vener' coram nobis E. F. & G. H. Justic. dist. Dom. Regis ad pacem in Com. præd. conservand. assignat. et Recognover. se debere dist. Domino Regi modo et forma sequen. viz. præd. A. B. in præd. viginti Libris, bone et legalis monet. Angl. et uterq. eorum C. D. & E. F. in decem libris consilis legalis monet. Angl. seperatim levand. de seperatib. domis et catallis terris et tenementis suis, ad opus et usum dist. Dom. Regis Hered. et Successor. suorum si defak. foret in performance Conditionis indorsat.*

The Condition of the within written Recognizance, is such, That whereas the within Bounden *A.* is by the Justices within named, Licensed, admitted and allowed to keep a common Ale-house, in the House wherein he now dwelleth in *C.* within written. If therefore the said *A. B.* shall not, during the continuance in force of the said Licence, suffer any unlawful Games to be used in his said House; but do use and maintain good order

within the same; That then this Recognizance shall be void, or else it shall stand in full force.

A Recognizance where several Ale-houses are Licensed in one day.

Devon. ff. **M**emorandum quod quinto die Septembris Anno Regni Dom. nostri Jacobi secund. Dei gratia Angl. Scoc. Franc. et Hib. Regis Fidei defensoris, &c. i. seples personæ infra nominat. personalit. vener' coram nobis E. F. & G. H. A. Justic. dict. Dom. Regis ad pacem in Com. præd. conservand. Assignat. & recogn. se debere dict. Dom. Regi seperales denar. summas infra mentionat. seperalit. levand. de seperalibus bonis et catallis Terris de Tenementis suis ad opus et usum dict. Dom. Regis et Successorum suorum si defalt. fieret in performance sepralium Condition. subsequen. videlicet.

Upon Condition, that whereas the aforesaid A. B. is, by the Justices abovenamed, Licensed, admitted and allowed to keep a common Ale-house, in the House where he now dwelleth in L. above written, known by the Sign of the Unicorn. If therefore the said A. B. shall not, during the continuance in force of the said Licence, suffer any unlawful Games to be used in his said House, but do use and maintain good Order and Rule within the same; that then this Recognizance shall be void, or else to stand in force.

G. H. &c. *Viginti Lib. legalis monet. Angl.*
I. K. de &c. & L. M. de &c. *uterque eorum in decem Libris consiliis monet.*

Upon Condition, that whereas the aforesaid G. H. is by the Justices aforesaid, Licensed, admitted and allowed to keep a common Ale-house, in the House wherein he now dwelleth in L. aforesaid known by the Name or Sign of the Bear. If therefore the said G. H. shall in all things perform such Conditions, as do immediately follow the Recognizance last above written,

ten, then this Recognizance to be void, or else to remain in full force.

A Licence to keep an Ale-house; with articles.

Devon. ff. *Articles to be observed and kept by A. B. admitted to keep a common Ale-house or Victualling-house, in his now Dwelling-house in L. in the said County of Devon. as followeth, viz.*

Imprimis. IF he hear of any Robbery or other heinous offence committed against the Peace of our Sovereign Lord the King, he shall certifie to the Constable, &c. of the Hundred, where, for the time being, he then dwelleth, or some of his Majesties Justices of the Peace for this County, of such Persons as lodged at his House, within two days before or after any such Robbery or heinous offence committed, and what Apparel they had and used, and the Christian Names or Surnames of them, or as many of them as he shall know.

2. Also, he shall not use, nor keep or suffer to be used or kept any Carding, Diceing, Bowling, or any other unlawful Game or Games, at any time, in his House or Yard.

3. Also, he shall not commit or suffer any Person or Persons, to continue Drinking, or remain Tipling in his House, otherwise then is permitted and allowed by the several Statutes, in that case made and provided.

4. Also, he shall not suffer any Person or Persons to lodge at his House above one Day and one Night together, but such as he will answer for, and have forth coming, if occasion shall require.

5. Also, he shall keep one or more Beds in his House, as also Mans meat and Horse meat, during the time of his Licence, conveniently furnished, to lodg any way-faring Man or Traveller.

6. Lastly, he shall not use, or sell less then one full Ale quart, of the best Beer or Ale for one penny, and
of

of the small two Quarts for one Penny, and shall have in House Beer and Ale of both sorts, and also Bread for the Poor, and such others as will buy the same.

We whose Names are here underwritten Justices of the Peace of our Sovereign Lord the King, within this County of *Devon*. do hereby Licence and allow the said *A. B.* to keep a common Ale-house or Victualling-House, in his now dwelling House, known by the Name or Sign of the *Swan* in *L.* aforesaid., for the space of one whole year next ensuing, the said *A. B.* observing and keeping all and singular the Articles above written, for observing whereof, he is bound by Recognizance in ten Pounds and two sufficient sureties with him (*viz.*) *C. D.* and *E. F.* in Five Pounds a piece, to the use of our Sovereign Lord the King, his Heirs and Successors, Dated at *L.* the 8th. day of September, 1685.

Devon. ff. Memorandum, quod decimo die Septembris anno Regni Dom. nostri Jacobi Secund Dei Gratia Anglia, Scotia, Fran. et Hibern. Regis Fidei defensoris, &c. prim. L. F. de &c. T. B. de &c. & O. N. de &c. & A. B. de &c. personaliter venerunt coram me E. F. Armigero un' Justiciario dict. Domini Regis nunc ad pacem in Com. præd. conservand. assignat et recogn. se debere dict. Dom Regi modo et forma sequen. videlicet præd. A. B. in viginti lib. legalis monet. Anglia et uterq. præd. L, F. T, B. and O, N. et quolibet eorum in decem lib. consiliis monet sepe separatim levand. de separabilibus bonis et catallis terris et tenementis suis ad opus et usum dic. Dom. Regis nunc Hered. et Successor' suor' si defalt. fuerit in performance Conditionis indorsat.

Capt. et cognit' coram me

The Condition of the Recognizance within written is such, that whereas the within Named *A. B.* is by the Justices within Named, Licensed, admitted and allowed to keep a common Ale-house or Victualling house in *L.* for the space of one whole year now next ensuing, If therefore the said *A. B.* do not well and truly observe, and keep all and singular the Articles contained in his said Licence, That then, &c.

A License in London to keep an Ale-house.

London ff. **M**emorandum, quod ad sessionem pacis Dom. Regis remam pro Civitate London apud Guildhal ejusdem Civitatis die Sabbati, scilicet decimo nono die Aprilis Anno Regni Domini nostri Jacobi secundi Dei gratia Angl. Scot. Franc. et Hibernie Regis Fidei defensoris &c. primo coram T. A. Milite et Baronetto T. B. Milite G. W. Milite et T. D. Milite Aldermanis Civitatis pred. et G. F. Milite uno de consiliis Dom. Regis eruditio in lege ac Recordatore ejusdem Civitatis Justiciariis die. Dom. Regis ad pacem in Civitate pred. conservand. nec non ad diversa Felonias, Transgressiones et alia Malefacta infra eandem Civitatem perpetrata audiendum et terminandum assignati venerunt E. B. de Parochia Sancti Andreæ Holbourn, London, vidua et Thomas How, de Parochia pred. Ironmonger & manuceperunt per Anna Barrow, de Paroc. pred. London vid. videlicet uterque plegior pred. sub pena quinque librarum et pred. A.B. adunc et ibidem suscepti pro seipso sub pena Decem lib. quas quidem seprales summas adunc et ibidem seperatim recognoverunt de sepralibus bonis et catallis terris et tenementis suis respective levandas ad usum dict. Dom. Regis per viam Recognitionis si pred. A.B. defecerit in conditione sequente.

The Condition of the Recognizance above mentioned is such, That whereas the above named A. B. is admitted and allowed by the above named Justices to keep a common Ale-house and Victualling-house, for the space of one whole year, next ensuing the acknowledgement of the said Recognizance, and no longer in the House where she now dwelleth, in the said Parish of St. Andrew Holborn, and not elsewhere. If therefore the said A. B. shall not, during the time aforesaid, permit or suffer, or have any playing at the Cards, Dice, Tables, Quoits, Loggets, Bowls, or any other unlawful Game or Games in her House, Yard, Garden or Back-side, nor shall suffer to be, or remain in her house any Person

or

or Persons (not being her ordinary Household Servant or Lodger) upon any Sabbath day, or day of Humiliation or publick Thanksgiving, nor shall suffer any Person to lodge or stay in her House above one Day and one Night, but such, whose true Name and Sirname, she shall deliver to some of the Constables, or in his absence, to some of the Officers of the same Parish the next day following, unless they be such Person or Persons as she well knoweth, and will answer for his or their forth coming, nor shall suffer any Person to remain in her House, Tipling or drinking, contrary to Law, nor yet to be there Tipling or drinking after Nine of the Clock in the Night time, nor shall buy, or take to pawn, any stolen Goods, nor willingly harbour in her House, Barns, Stables or other place, any Rogues, Vagabonds, Sturdy-Beggars, Masterless Men, or other notorious Offenders whatsoever, nor shall suffer any Person or Persons to sell or utter any Beer or Ale or other Victual, by deputation or by colour of her License. And also, if she shall keep the true Assize and Measure of her Pots, Bread, and otherwise, in uttering of her Beer, Ale and Bread, and the same Beer and Ale to sell in Sealed Measure, and according to the Assize, and not otherwise, that then this Recognizance to be void, and of none effect, or else to stand in full force and strength.

You are to be, and stand suppressed, if you suffer any Drink by you sold, to be drunk in any Silver Cup, or other Silver Plate, and your Licence to be then, and from thenceforth void.

A Warrant to the Assessors to make a Tax.

Devon. s. **BY** Vertue of an Act of this present Parliament, intituled an act for granting unto the Kings Majesty, the sum of *£c.* to be raised, levied and paid in the space of, *£c.* in manner following, that is to say, the sum of, *£c.* by the Month, for *£c.* Months, beginning from the, *£c.* day of, *£c.* These are to will and require you and every of you, whose Names are here under written, for the purpose aforesaid, for the second and third quarterly payments of the said, *£c.* Months Assessments, with all care and diligence to Assess on all Lands, Tenements, Hereditaments, Annuities, Rents, Parks, Warrens, Goods, Chattles, Stores, Merchandize, Offices, other then Judicial and Military Offices, and Offices relating to the Navy, under the Command of the Lord High Admiral, and Offices within his Majesties Household, Tolls, Profits, and all their Estates both real and personal, within the limits, circuits and bounds of your Hundred of *A.* the full and just sum of, *£c.* by a pound rate, where you are to Assess the Tenements one sixth part in the whole, in respect of his Stock upon Land, and you are to assess all other Persons for their Personal Estate (other then their stock upon Lands and Household stuff) for every Twenty Pounds proportionably to Twenty Shillings by the year in Lands. And you are to take special care, that therein you Assess not any part of the said Monies, upon the Rents and Revenues due and payable to either of the said Universities, or any other Colledges, Halls, Hospitals, Almshouses or Free-schools, nevertheless, you are to Assess the Tenents of all such Lands and Tenements, for so much as the same are worth, by the year, over and above what Rents or Revenues they pay to the said Universities, Colledges, &c. And you are hereby further willed and required, that you bring the said
Assessment

Assessment fairly written, exactly cast up, and by you signed unto us at the hour of, &c. (*tali die*) by Eleven of the Clock in the Forenoon, of the same. Of all which you, nor any of you are to fail, upon pain of **Twenty Pounds.** Given under our Hands and Seals, at, &c.

To {
A, B,
C, D,
E, F,
and
G, H.

The Preamble of the Tax Book.

A Tax made the, &c. day of *August*, Anno Dom. 168-- and in the year, &c. by us, whose Names are here under Subscribed in pursuance of a Warrant to us directed, under the Hands and Seals of *A, B, C, D, E, F.* Esquires and other Commissioners nominated in an Act of this present Parliament, intituled, an Act for granting unto his Majesty the sum of, &c. payable within the space of, &c. whereby we are required to Assess upon the said Hundred, on all Lands, Stocks, Goods, &c. the Sum of, &c. by a pound rate, wherein the Tenements are to be Assessed, one sixth part of the whole, which we have accordingly Assessed, (*viz.*) the Landlord at five Pence in the Pound Rent, and the Tenant one Penny in the Pound, in respect of his Stock upon the said Lands, and for all other Goods, Stock, &c. for every Twenty Shillings, proportionably to two Shillings *per annum*, on Lands, as followeth, *viz.*

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A Borough Landlords.	Tenement per ann.	Tax or Pounds.	Tax or Stocks in Lands & Trade.	Abatement to be allow'd to the Land Lord in respect of the Waters costs and other charges impos'd on the said Lands.
	1.			
A. B. Esq. -- C, D --	20	0 -- 8 -- 4	0 -- 1 -- 8	
E. F. --- G, H --	5	1 -- 10 -- 0	0 -- 4 -- 2	
I. K. --- L. M. --	80	1 -- 13 -- 4	0 -- 6 -- 8	

A Warrant to the Collectors of a Tax.

Devon. **BY** Vertue of an Act of this present Parli-
ment, Intituled an Act for granting
unto the Kings Majesty the sum of , &c. to be
raised , levied and paid in the space of , &c. These
are to will and require you, and every of you, whose names
are hereunder written, to collect all and every the Sums of
Money mentioned in the Assessment hereunto annexed, so
that you duly pay the same, (which you are hereby requir-
ed to do) unto A. B. of &c. whom we have nominated
and appointed head Collector of the Moneys aforesaid,
at his House in D. aforesaid, in manner following, that
is to say, one Moiety thereof (being the second quarterly
payment of the said years Assessment) on or before the
Twentieth day of *October* then next following. And in
case any Person or Persons shall neglect or refuse to pay
any sum of Money, whereat he is in the said Assessment
rated or assessed, then you, and every of you are hereby
authorized and required to levy the sum assessed by Dis-
tress and Sale of the Goods of such Person or Persons,
for refusing or neglecting to pay, deducting the sum ass-
essed, and reasonable charges of distraining. And you shall
restore the overplus to the owner thereof. Also you, and
every of you, are hereby likewise Authorized to break
open in the day time, any House, Trunk, Chest or Box,
or other things, where any such Goods are , and to call
to

to your assistance, that Constable, Tything-man and Headborrough, within the place where any such usual neglect or resistance shall be made, which said Officers are, by the said Act, required to be aiding and assisting in the Premises, as they will answer the contrary at their Perils, and in case any Person or Persons shall refuse or neglect to pay his or their Assessment, and convey his or their Goods, or other personal Estate, whereby the sum of Money so assessed, cannot be levied according to the said Act, That then you certify to us or any two of us, the Name, or Names of such Person or Persons so refusing or neglecting, or conveying as aforesaid, to the end such proceedings may be had thereupon against him, her or them, as by the said Act is directed. And in case any Lands or Houses within your hundred, shall lie unoccupied, and no Distress can be found on the same, by reason whereof, your said Hundred is forced to pay and make good the Tax assessed upon such Lands, lying unoccupied; Then you, and every of you, are hereby authorized and required at any time, after which the assistance of the Constable or Tything-man within your Hundred, for the time being to enter and distrain upon the said Lands and Houses, when there shall be any Distress thereupon to be found, and the Distress and Distresses (being the proper Goods of the owner, or any claiming any Estate, Interest or profit under him) if not redeemed within fourteen days, by payment of the Tax and charge of Distraining) to sell, rendering the overplus to the owner or owners of such Distress. And you are hereby enjoined to distribute the money raised by the sale, proportionably to the Parties who contribute to the Tax of the said unoccupied Lands. You, and every of you are hereby further enjoined, that where any Wood shall be Assessed, and no Distress can be had, that in such case, with the assistance of the Const. Headbor. or Tythingman, you cut and sell to any Person or Persons so much of the Woods, growing in the said Woodlands, as will pay the Assessment or Assessments so behind and unpaid, and the Charge incident thereunto. And the Person and Persons, and his Assigns to whom such Woods shall be sold, are by the said Act authorized to sell, cut down, dispose, and carry away the same to his own use, rendering the overplus (if any be) to the owner thereof. You and every of you are hereby likewise Authorized that

that where any Tax or Assessment within your said Hundred shall be laid upon Tythes, Tolls, Profits, Markets, Fairs or Filheries, or other annual profits, not distrainable, in case the same shall not be paid within fifteen days after such Assessment, so charged or laid and demanded, That then you, or any of you, seise, take, and sell so much of the said Tiths, Tolls and other profits so charged, as shall be sufficient for the Levying of the said Tax and Assessment, and all charges occasioned by such non-payment thereof, rendering the overplus to the owner, if any be, of all which you, or any of you are not to fail, upon such pains and penalties, as by the said Act may in such case be inflicted on you. And lastly, we do hereby order unto you, that upon your Collection of the whole sum, appointed to be collected by you, and payment thereof, as is hereby appointed. You are to have and receive for your pains, in Collecting and paying the Monies, one Penny in the Pound, which the said head Collectohr, is by us Authorized to pay unto you accordingly. Given under our Hands and Seals, at, &c. the

To $\left. \begin{matrix} A, B, \\ C, D, \\ E, F. \end{matrix} \right\}$ Collectors for the Hundred of A, in the said County.

Warrant to Levy Five Pounds upon the Collectors, for neglecting to Collect their Assessment.

To the Constable, &c.

Devon. **W** Hereas complaint hath been made unto us this present day by A. B. of &c. High Collector of the second and third quarterly Payments of the late Tax, granted to his Majesty, that the several Persons, whose Names are here under written,

G c

ten,

ten, being petty Collectors of the said two quarterly payments within the said hundred, have willfully neglected and refused to pay unto the said *A. B.* the several sums of Money charged upon them, to Collect and pay unto the said High Collector, on the several days and times to them limited and appointed for the payment of the same. Notwithstanding, several Warrants have been issued out unto them, to make payment thereof. These are therefore in his Majesties Name, to command you, that some, or one of you do immediately, upon Receipt hereof, Levy upon the several Persons, whose Names are here underwritten upon each of them, the sum of Five pounds, for such his neglect and refusal, as aforesaid, by way of Distress and Sale of his Goods, according to the Act of Parliament, in that case made and provided. Hereof fail not at your perils. And for your so doing, this shall be your sufficient Warrant. Given under our Hands and Seals, at, &c.

Bastardy.

Against a Person charged to have begotten a Bastard.

FOrasmuch as upon examination of *A. B.* of *Co.* single Woman, this day taken before me. It appeareth, that she is at present with Child of a Bastard Child, which when it shall be born, is likely to be chargeable to the Parish where it shall happen to be so born. And forasmuch as upon her said Examination, she hath confessed, that *C. D.* of *Co.* did beget her with Child, and hath before me charged him with the same. Therefore these are in his Majesties Name, to command you the said Constable, &c. That you, some, or one of you do cause the said *C. D.* to come before me, or some other of his Majesties Justices of the Peace of and within the said County at *L.* aforesaid, then and there to do and receive, as by the said Court shall be enjoined him : As also

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also, that he shall in the mean time, be of good behaviour, as well towards his said Majesty, as towards all his Liege Subjects, which if he shall refuse to do, that then without expecting any further or other Warrant, you, some, or one of you, safely convey him to the Gaol aforesaid; and him there deliver to the Keeper of the same: Together, with this Precept, commanding also you the said Keeper, to receive him into the said Gaol, and him there safely keep, until he shall find such sufficient security as aforesaid. Hereof fail not at your Perils. Given, &c.

**An Order concerning a Bastard Child,
for the Relief of the Parish, and for
punishing the Mother and repu-
red Father.**

Deon. J. **T**He Order of *A. B. and C. D. Esqs;* two of his Majesties Justices of the Peace, of the said County; whereof one is of the *Quorum*, and both residing in the limits, where the Parish Church of *L.* in the said County is, by us made at *L.* aforesaid, the nineteenth day of *June*, in the year of our Lord 1685. according to the form of the Statute in that case made and provided, touching the Male Bastard Child, late born in the Parish of *L.* aforesaid, of the Body of *A. B.* of the same Parish, single Woman, the keeping of which said Bastard Child, hath ever since the Birth thereof, been, and still is chargeable to the Parish aforesaid and likely to continue chargeable.

First, upon examination of the Caule and Circumstances and due consideration by us had, we do adjudge *C. D.* late of *L.* aforesaid *Husband-man*, the reputed Father of the said Bastard Child: And for the punishment of the said Mother and reputed Father, and for the better relief of the said Parish; We do order as followeth, That is to say,

C c 2

We

We do order, That the said Mother shall be by the Constable, &c. of the Hundred of *A.* in the said County or by some or one of them, upon the same day, between the hours of Nine and Twelve in the Forenoon, in the common High-way, at, or near the Watch-house in the Parish aforesaid, be stripped naked from the middle upwards, and then and there shall be tied to the tail of a Cart or Dung-Cart, and being so stripped and tied, shall be openly whipped, until her body be bloody.

We do also order, that the said reputed Father shall, by the Constable, &c. of the Hundred aforesaid, or by some or one of them upon some day, between the hours of Nine and Twelve in the Forenoon, in the common Highway, in the Parish aforesaid, over against the dwelling house of *E. F.* there be stripped naked from the middle upwards, and shall then and there be tied to the Tail of a Cart or Dung-Cart, and being so stripped and tied, shall be from thence drawn to the Watch-house aforesaid, and on the way well whipped in such manner, as in such cases is accustomed.

We do further order, that the said Mother shall, within three days next after notice of this our order, render her body to the said Constable, or some or one of them, ready to undergo her punishment before ordered. And that the said reputed Father shall, within six days next after, notice of this our order, render his body to the said Constable, &c. or some or one of them ready to undergo his punishment before ordered.

We do likewise further order, that the said reputed Father shall, within six days next, after notice given unto him, of this our order, pay or cause to be paid to the Overseers of the Poor of the Parish aforesaid, or to some, or one of them, twenty Shillings of lawful Money of *England*, towards the Money by them disbursed before the said notice given, for, or towards the keeping of the said Bastard Child, from the time of the birth thereof, until the time of giving the said notice, and that upon every *Tuesday*, which shall be next after the end of the said six days, until the said Bastard Child shall

shall attain unto his age of ten years, the said reputed Father shall likewise pay unto the Overseers of the poor of the said Parish, for the time being, or to some or one of them, eighteen Pence of lawful Money of *England*, towards the charges by them disbursed, towards the keeping of the Bastard Child, between the end of the said six days, and the time that he shall attain unto his said age of ten years.

We do further order, that the said Bastard Child shall be kept and nursed by the said Mother, until he shall attain to the Age aforesaid, and that she, so far as she shall be able, shall, during the said time, so keep and nurse the same.

We do lastly order, that both the said Mother, and reputed Father shall for ever, from, and after such time the said Bastard Child shall attain his said age of ten years, joyntly and severally discharge the said Parish, of, and from all charges whatsoever, touching or concerning the keeping or relieving of the same. In witness whereof, we have hereunto subscribed our Names, the day and year first above written.

**Warrant to be written under the Order
aforesaid, for the giving notice there-
of to the Mother and reputed
Father.**

*Devon. ss. To the Overseers of the Poor of
the Parish of H. in the County aforesaid,
and to every of them,*

THese are in his Majesties Name, to command you, and every of you, that you, some, or one of you do, withal convenient speed, give, or cause to be given notice of this our order, both unto the Mother and reputed Father therein mentioned. To the end that they and every of them, may the better observe and perform

the same, and what you shall do in execution of this our precept: You, some, or one of you do certifie unto us, or one of us, with all convenient speed, next after your execution of the same; to the end, that further proceedings may be thereupon had, as the case shall require, and as to Justice doth appertain. Given under our Hands and Seal at *L.* aforesaid, the day and year first above written.

A Warrant for punishment of the Mother and reputed Father of a Bastard Child.

Devon. ss. To the Constable, &c. of the Hundred of A. and to every of them.

WHEREAS *A. B.* of *L.* in the said County, single woman, was lately delivered witin the said Parish, of a Male Bastard Child, begotten and born out of lawful Matrimony, yet living and chargeable to the Parish aforesaid, and so likely to continue chargeable, to the great burthen of the said Parish, and in defrauding of the impotent and aged true poor of the Parish aforesaid, and to the evil example and encouragement of lewdness. And whereas, upon Examination of the cause and circumstance (according to the form of the Statute in that case made and provided.) We have (in and by an order by us this present day, made and subscribed under our Hands touching the Bastard Child aforesaid, adjudged *A. B.* late of *L.* aforesaid Husband-man, the reputed Father of the said Bastard Child: And for punishment of the said Mother and reputed Father according to the form of the Statute aforesaid. We have thereby ordered, that the said Mother shall, by you, some, or one of you, some day between the hours of nine and twelve in the Forenoon, in the common Highway, at, or near the Watch-house at, &c. in the Parish

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aforesaid, be stripped naked from the middle upwards, and then and there shall be tied to the tail of a Cart, or Dung-Cart, and being so stripped and tied, shall be there openly whipped, until her Body be bloody. And that the said reputed Father shall by you, some, or one of you, between the hours of nine and twelve in the Forenoon, in the common High-way, in the Parish aforesaid, over against the House of (E. F. there) be stripped naked from the middle upwards: And then and there shall be tied to the tail of a Cart or Dung Cart, and being so stripped and tied, shall be from thence drawn to the Watch-house aforesaid, and on the way well whipped, in such manner, as in such cases is accustomed. And that the said Mother shall, within three days next after notice of that our order, render her body to you, some, or one of you, ready to undergo her punishment aforesaid. And that the said reputed Father shall, within six days next, after notice of our said order, render his Body to you, some, or one of you, ready to undergo his punishment aforesaid. These are therefore in his Majesties Name, to command you and every of you, that in case the said Mother and reputed Father, or either of them, shall so render her, his or their body or bodies, to you or any of you, as aforesaid, that then, you, they, or he, to whom the same shall be rendred, do withal convenient speed afterwards, proceed with effect to execute your, their or his Office, according to the said purport of the order aforesaid. Hereof fail you not at your perils. Given, &c.

**A Warrant and Mittimus against the
reputed Father of a Bastard Child,
for not obeying the Order made
by the Justice.**

*To the Constable, &c. and to the Keeper of
the Gaol, &c.*

WHereas, by an order by us made and subscribed under our hands, the tenth day of *July* last past, touching a Male Bastard Child, late born in the Parish of *L.* in the said County, of the body of *A. B.* of *L.* aforesaid, single woman (chargeable to the Parish aforesaid :) We have adjudged *C. D.* late of *L.* aforesaid, *Husbandman*, the reputed Father of the said Bastard Child : And for punishment of the said reputed Father, according to the form of the Statute in that case made and provided (among other things in the said order contained, have ordered, that he should, by you the said Constable, &c. or by some, or one of you, upon some day between the hours of nine and twelve in the Forenoon, in the common Highway, in the Parish aforesaid (over against the House of *E. F.* there be stripped naked from the middle upwards, and then and there, shall be tied to the tail of a Cart or Dung-Cart : And being so stripped and tied, should be from thence drawn to the Watch-house, and on the way well whipped, in such manner as in such cases is accustomed. And that he should, within six days, after notice of our said Order, render his Body to you the said Constable, &c. or some, or one of you, ready to undergo his punishment before ordered. And whereas it hath been duly proved before us ; That after the making of the said order ; and by the space of six days and upwards, before the day of the date hereof, the said *C. D.* so as aforesaid, the reputed Father of the said Bastard Child) had notice of the said order : And yet notwithstanding, hath not hitherto rendered

dred his Body to you the said Constable, &c. or any of you, according to the purport of the same, and so hath not for his part observed and performed the order aforesaid. These are therefore in his Majesties name, to command you the said Constable, &c. and every of you, that some, or one of you, do Attach the body of the said C.D. and him deliver to the aforesaid Keeper of the Gaol aforesaid, to be by him kept in the same, without Bail or mainprize, except he shall put in sufficient Surety, to perform the said order, or also personally to appear at the next General Sessions of the Peace, to be holden in the said County, and also to abide such further order, as the Justices of the Peace of the County aforesaid, or the Major part of them, then and there shall make in that behalf, if they, then and there make any. And that if at the said Sessions, the said Justices shall make no order, then to abide and perform the order before made, as is aforesaid; commanding also you the said Keeper, as the Gaol aforesaid, to receive the said C.D. into the same, and him there safely keep, according to the purport and tenor of this precept. Given, &c.

**for maintenance of a Bastard Child,
left to the Parish, the reputed Fa-
ther or Mother, having where-
with in the said Parish.**

*To the Church-wardens and Overseers of the
Poor of the Parish of L. in the said Coun-
ty, and to every of them.*

FOrasmuch, as upon your Complaint unto us it ap-
peareth, that A.B. of &c. the reputed Father of a
Bastard Child, born in the Parish aforesaid, hath lately
run away out of the said Parish, and left the said Ba-
stard Child upon the charge of the Parish aforesaid, al-
though

though the said *A. B.* hath Estate sufficient to discharge the said Parish. These are therefore in his Majesties Name, to require and authorize you, and every of you, that you, some, or one of you, do seise and take so much of the Goods and Chattles, and reserve so much of the Annual Rents or Profits of the Lands of the said *A. B.* as will amount unto the sum of, &c. which we do, according to the form of the Statute in that case lately made, order you to take and receive, for, and towards the discharge of the said Parish, for the bringing up and providing for the said Bastard Child. Given under our Hands the, &c.

Condition to answer concerning a Bastard Child, and to be of good Behaviour.

THE Condition of, &c. is such, that whereas the within bounden *A. B.* is charged by *C. D.* of &c. single woman, with the having of several times had carnal knowledge of her body; and that the said *C. D.* is with Child by the said *A. B.* If therefore the said *A. B.* shall and do personally appear before his Majesties Justices of the Peace, at the next General Sessions of the Peace, to be holden for the within written County of *Devon.* at *L.* in the said County, then and there to do and receive, as by the said Court shall be adjudged him in this behalf, and in the mean time to be of good behaviour towards the Kings Majesty, and all his Leige People. That then, &c.

A Warrant to send one begotten with Child, to her Masters where she last dwelt, she being not lawfully discharged from his Service.

Devon. ff. To the Constable, &c. and to the Churchwardens and other the Overseers of the Poor of the Parish of C. in the County aforesaid, and to every of them.

Forasmuch as *E. K.* of, &c. singlewoman, Servant to *C. D.* of *F.* was begotten with Child by *J. H.* of *E.* with which Child she yet goeth. And forasmuch as she never was yet lawfully discharged from her said Service, but put thence before her time of Covenant was expired and without lawful warning. These are, &c. to will and require you the said Constable, &c. and other the Overseers, to carry her the said *E. K.* to her said Master. And also do will and command you the said *C. D.* to receive her into your said Service, and her keep until she be delivered of her said Child. and discharged out of her said Service by due order of Law. And hereof fail you not at your Peril. Given, &c.

An Order for a Bastard.

Imprimis. **U**Pon the Examination of the said *A. B.* duly by us taken, we do find, that the said *C. D.* is charged to have had diverse times bodily and carnal

carnal knowledge of her (between such times) and to be the only Father of the said Bastard Child, &c. and therefore we do order and adjudge him to be the reputed Father of the said Child.

We do farther order as followeth : First, that the said C. D. shall keep the said Child, 'till it comes to eight years of age.

Secondly, that the said C. D. upon notice of this Order, shall, after such notice, pay into the Hands of one of the Overseers of the poor of (for the time being) after the rate of 18d. every week, to be paid Monthly every year, towards the relief of the said Child, until it comes to eight years of age.

Thirdly, that after the Child shall come to eight, &c. that the said C. D. pay to the Overseers, &c. Five pound towards the putting out of the said Child to be Apprentice, &c.

Fourthly, that the said C. D. presently give security to one of the Overseers, &c. to perform this order.

Bailment of a Felon.

Memorandum, quod primo die mensi Novemb. anno regni Domini nostri Jacobi, &c. venerunt coram nobis A.B. & C.D. duobus Just. dict. Dom. Regni ad Pacem in Com. præd. conservand. assignat. (apud L. in Com. præd.) E.F. & G.H. de &c. in dict. Com. Teomen, et cœperunt in Ballium usque ad proximum Gaolæ deliber. in dicto Com. tenend. quendam I.K. de &c. Taylor, captum et detentum in Prisonsa pro suspitione cujusdam Felonie, &c. et assumser. super se, scil. quilibet præd. E.F. & G.H. sub pena vigint. Libr. bonæ at legalis Monetæ Angliæ, et præd. I. K. assumpsit pro seipso sub pæna 40 Libr. similis monetæ, de bonis et Catallis, terris et tenementis eorum et quorumlibet eorum, ad opus dicti Dom. Regis, Hered et Successor. suor. levandar. si præf. I. K. ad eand. prox. Gaolæ deliber. personaliter non comparebit coram Just. dict. Dom. Reg. ad dictam Gaol. deliber. assignati, ad standum recte de Felonia præd. et ad respond. dict. Dom. Regi tunc et ibidem de et

super

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super omnibus que illi objicientur. Dat' sub sigillis nostris die et anno primo supradictis.

For the good Behaviour.

To the Constable, &c. of the Hundred of A. and to every of them, and to the Keeper of his Majesties Gaol, for the said County at L. in the County aforesaid.

Forasmuch as A. B. of &c.

THese are therefore in his Majesties Name, to command you the said Constable, &c. that you, some or one of you, do cause the said A. B. to come before me, or some other of his Majesties Justices of the Peace, of and within the said County, to find sufficient security, as well for his appearance at the next general Sessions of the Peace, to be holden for the said County at L. aforesaid, then and there to do and receive, as by the said Court shall be enjoined. As also, that he shall in the mean time, be of good Behaviour, as well towards his said Majesty, as towards all his Liege People; which if he shall refuse to do, that then, without expecting any further or other Warrant, you, some, or one of you, safely convey him to the Gaol aforesaid, and him there deliver to the said Keeper of the same, together with this Precept, commanding also you the said Keeper, to receive him into the said Gaol, and there safely keep him, until he shall find such sufficient security as aforesaid. Hereof fail you not at your Perils. Given, &c.

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A Writimus to the Gaol, for one that refuses to find Sureties for his good Behaviour.

Devon. ff. To the Keeper of his Majesties Gaol for the said county at L. in the County aforesaid, or to his lawful Deputy there.

I Send herewithal the Body of *A. B.* of &c. for that he refuseth to find sufficient Sureties to be of good Behaviour, towards his Majesty, and all his Liege People, and to appear at the next general Sessions for the Peace, to be holden for this County at *L.* aforesaid, strictly charging and commanding you in the name of our Sovereign Lord the King, to receive him the said *A. B.* into safe custody, and him safely keep in the said Gaol, until he shall find sufficient Sureties as aforesaid. Hereof fail not at your Perils. Given, &c.

A Warrant for a Tax for the County Budge.

Devon. ff. To the Constable of the Hundred of A. and to A. B. C. D. &c. Inhabitants of the said Hundred, and to every of them.

WHereas the several Bridges of *A. B. C. D.* within the said County, were lately in great decay and

unrepaired : And by an Order made at B. in the County aforesaid, the said decays and reparations were ordered to be amended at the charge of the said County, and have lately been amended accordingly, the proportionable part of which said Charge, thought fit to be imposed upon the Division, doth amount unto the sum of Forty Pounds, of lawful Money of England, and the proportionable part of the same thought fit to be imposed upon the said Hundred; doth amount unto Forty Shillings of like Money. These are therefore in his Majesties name, to command you the said Constable and Inhabitants, that you, or any three of you at the least, whereof you the said Constable shall be one; do forthwith, after publick notice before given, as is usual in other Taxations, make a Taxation of all and every the Inhabitants of the said Hundred, as in such case hath been formerly accustomed for the raising of the said sum of Forty Shillings imposed upon the said Hundred as aforesaid. And that you do bring the said Taxation fairly written, summed and transcribed with your Names, or the Names of any three of you, whereof the said Constable to be one unto us, or some of us, at the house of, &c. on Tuesday the first day of July, by Nine of the Clock in the Forenoon, of the same day : To the end that we may further proceed therein, as to Justice doth appertain. Given under our Hands and Seals, at, &c. the, &c.

A Warrant to Collect a Taxation for County Bridges.

To A, B. and C, D. Inhabitants of the Hundred of A. in the said County, and to either of them.

THese are in his Majesties Name, to command you, that you do forthwith collect and gather the several sums of Money specified in the Taxation herewithal delivered

delivered unto you, of the several Persons therein mentioned, to be taxed upon the purpose, in the said Taxation specified, and that you do pay the same unto *C. D.* whom we have appointed general Receiver of the Money, raised for the purpose aforesaid, within the division of the seven hundreds, on, or before the sixth day of *April* next deducting out of the same, only Twenty Shillings, as by us allowed unto you, for and towards your pains in collecting and paying the same. And in case of refusal or neglect of payment of any of the said parties so taxed of the Money, so taxed as aforesaid (after demand made thereof by you or either of you, that then you do certify to us, or some, or one of us, the Names of the said Persons, so refusing or neglecting with all convenient speed; to the end that further proceedings may be thereupon had, as to Justice doth appertain. Given under our Hands and Seals, at, &c.

A Warrant for payment of Moneys taxed to repair Bridges.

Devon. sh. To the Constable, &c. of the Hundred of A. and to every of them.

FOrasmuch as complaint hath been made unto us by *A, B. and C, D.* by us appointed Collectors and Gatherers of the Money imposed upon the said Hundred, for and towards the Reparations of the several Bridges of *E, F, and D.* in the said County, that the several Persons, whose names are hereunder written, have refused to pay unto them the several sums of Money adjoyned to their several names, being taxed upon them for the purpose aforesaid, although the same have duly been demanded of them. These are therefore in his Majesties name, to command you, that some, or one of you, do cause the said several Persons to come before us, or one of us, or some other Justices of the Peace of the said County

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County, to answer the Premises; and further to do and receive, as to Justice doth appertain, unless they shall forthwith pay the said Monies unto you, some, or one of you, which if they shall do, that you so receiving the same, do forthwith pay the said Moneys, so received unto the said A. B. and C. D. or one of them, to the end the said Money may be by them paid over to the general Receiver of the Moneys raised for the purpose aforesaid, by us formerly appointed. Hereof fail not at your peril. Given, &c.

To Provide Carriages for His Majesties Service.

Devon. ss. *To the Constables, &c. of the Hundred of A. in the said County, and to every of them.*

VHereas we have received notice in writing, under the Hands and Seals of the Lord high Admiral of *England*, for providing of Carriages for the Service of his Majesties Ordinance—These are therefore in his Majesties Name, to require you, and every of you, that you, some, or one of you, do cause to be sent to A. in the County aforesaid, two Carriages on the seventh day of *August* next ensuing, furnished with Horses or Oxen, sufficient for the said Service. Hereof fail not at your Perils. Given, &c.

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**A Warrant against those that refuse to
provide Carriages for his Majesties
Service.**

*Devon. ff. To the Constable, &c. of the Hun-
dred, of D. in the said County, and to
every of them.*

FOrasmuch as it hath been duly proved before us, that
A. B. of *Gr.* having had sufficient notice to bring
one Carriage to *L.* upon the seventh day of *August* last
past, for the Service of his Majesties Ordnance, accord-
ing to the form of the Statute in that behalf lately
made, and hath refused so to do, by which he hath for-
feited Twenty Shillings to the Kings Majesties use. These
are therefore in his Majesties Name, to require you, and
every of you, that you, some, or one of you, do de-
mand of the said *A. B.* to his said Majesties use, the a-
foresaid Twenty Shillings: And in default of payment
upon demand, that you, or some, or one of you,
do forthwith Levy the said Twenty Shillings to
the use aforesaid, by distress and Sale of the Goods
of the said *A. B.* rendring to him the overplus of such
Sale (if there shall be any) the charge of distraining,
being first deducted. Hereof fail not at your Perils.
Given, *Gr.*

Capias.

JACOBUS *Secundus Dei gratia, Anglia, &c. Vic' Com'*
Devon. Salut. præcipimus tibi quod non omittas propter
aliquam libertat' in Balliv' tua quin eam ingred. et capias
Johannem

Johannem L. in Com, tuo Teoman, &c. si invent. fuerit in Balliva tua, et cum salvo custod' fac. ita quod habeas corpus ejus coram A. B. et C. D. duobus Just' nostris ad pacem conservand. nec non ad diversas Felon' Transgr. et alia malefacta in eodem Com' tuo perpetrat' audiend' et terminand. Assign. apud L. in Com' tuo, 13 die Marci j. prox' futur' ad respond' nobis de diversis Transgr' Contempt' et offensis, de quibus ipse indubitat' existit, et habeas ibi tunc hoc Breve. Teste, &c. —————
tertio die Marcii primo &c. anno regni nostri, &c.

Retorn of a Capias, per non est Invent'.

Ad quem diem A. B. Armiger. Vic' com' præd' retorn. quod ipse non est invent' in Balliva sua, et ipse non venit. Ideo præcept' est Vic' sicut alias, &c.

Alias Capias.

JACOBUS, &c. vic' &c. Præcipimus tibi sicut alias tibi præcipimus, quod non omittas, &c. (ut supra)

Ad quem diem, &c. — et ipse non venit Ideo præcept' est vic' sicut pluries, &c.

Pluries Capias.

JACOBUS, &c. vic' &c. Salut. præcipimus tibi sicut pluries tibi præcipimus, quod non omittas, &c. (ut supra.)

Ad quem diem, &c. A. B. Armiger. vic' Com' præd' retorn. quod præd' C. D. non est invent' in, &c. et ipse non venit. Ideo præcept' est, &c. quod exigi fac. &c.

The Return of a Certiorari.

UPON the back side of the Writ, indorse these or the like words.

Executio istius Brevis patet in quadam Scheda eadem brevis annexata. A. B. Armiger vic.

A Certificate of a Record of an Indictment (taken in the County) into the Court of Chancery.

EGO Will. Bragg, unus Custod' Pacis ac Just' Dom. Regis ad Pacem in dict' com' Devon. conservand. nec non ad diversa Felon' Transgr. et alia malefacta in eodem Com' perpetrata audiend' et terminand' assign. virtute istius brevis mihi deliberati, indictamentum illud (unde in dicto Brevis fit mentio) una cum omnibus indictamentum illud tangentibus, in Cancellar' dict' Dom. Regis distinde et aperte sub sigillo meo certifico. In cujus rei testimonium ego præs. W. B. his presentibus sigillum meum apposui. Datum apud A. 3 die mensis Mar. anno regni, &c. prim.

A Warrant for a Constables Charges.

Devon. H. **F**Orasmuch as we are informed by A. B. Constable of the Hundred of H. in the County aforesaid, that he hath necessarily disbursed for and in the behalf of the Inhabitants of the Hundred aforesaid, in the execution of his said Office, in an about the Service

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vice of his Majesty, several sums of Money, and for his Reimbursement of the same, hath craved from us such assistance, as hath been in such cases accustomed. These are therefore in his Majesties name, to require and authorize you the Inhabitants of the Hundred aforesaid, whose names are hereunder written, or the greater number of you, to take and examine the account of the said Constable, touching the Premises. And for this reimbursement of such Money, as you, or the greater number of you, shall find upon the said account to have been by him necessarily so disbursed as aforesaid, That you, or the greater number of you, do forthwith make a Tax or Assessment of, and upon all and every the said Inhabitants of the said Hundred, in such manner, as hath formerly, in such cases, been accustomed within the same. And to Authorize you the said Constable, to demand, collect, and gather the said Money so taxed and assessed: And in case of refusal of payment thereof unto you, that then you do return unto us or some other of his Majesties Justices of the Peace of the said County, the names of the Persons so refusing; to the end that they may be further dealt withal, as to Justice doth appertain. Hereof fail not at your Perils. Given, &c.

To A. B. C. D. E. F. G. H. I. K. L. M. and N. O.

A Warrant against those who refuse to pay their Hundreds Tax to the former Constable.

Devon. ss. *To the Constables, &c.*

VV Hereas complaint hath been made unto us by A. B. late Constable of the Hundred aforesaid, that he hath, during the time he continued Constable, disbursed divers sums of Money, for and towards the said Hundreds charge. And whereas there

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was

was a Tax and Sess made by the Inhabitants of the said Hundred, for the payment thereof, whereof great part is unpaid. These are therefore in his Majesties name, to charge and command you, and every of you, that you, some, or one of you, do cause all such Persons, whose Names are hereunder subscribed, to come before us, or some of us, at our next Assembly or Meeting, at the House, &c. (*tali die*) to shew cause why they refuse to pay the several sums of Money rated on them respectively. Hereof, &c.

To Distrain for a Hundred Charge.

To the Constable of the Hundred of A. in the said County.

FOrasmuch, as upon your Complaint it appeareth unto us, that the several Persons hereunder named, have refused to pay unto you the several sums hereunder specified, and severally added to their several Names assessed on them, according to the form of the Statute in that behalf, lately made and provided towards your reimbursement of such Money as you have disbursed, in, and about the Execution of your Office, (according to the Statute aforesaid.) These are therefore to require and authorize you, to Levy the said several and respective sums so assessed, upon the said several and respective Persons, so refusing to pay the same, rendring the overplus to the owners, if any shall be. Given under my Hand and Seal the, &c.

s. d.

A. B. ——— 7 ——— 0
 C. D. ——— 1 ——— 6

A Record to be certified concerning Conventicles.

Devon. ff. **M**emorandum quod xii. die Martii anno regni Dom. nostri Jacobi secund. dei Gratia, Ang. Scoc. Franc. & Hibern. Regis Fidei Defensoris, &c. prim. vener. J. H. de &c. Subditus hujus Regni in Angl. &c. coram O. R. Mil. & D. G. Armig. ad tunc duob. Justic. dict. Dom. Regis ad Pacem pro Com. præd. conservand. assignat. apud villam de A. in Com. præd. & superinde ad tunc & ibidem, libite examinat. coram Justic. prædict. tam per sacramentum A. B. C. D. &c. qm. per notoriam evidentiam facti ad tunc & ibidem Justic. præd. manifeste apparentis quod præd. I. H. &c. & quodlibet eorum existentes ætatis sexdecim. annorum et amplius et ipsi & eorum quilibet subditi Dom. Regis ad tunc existentes duodecimo die Martii præd. anno præd. presentes fuerunt assembler. et illicite congregaverunt apud domum wancionalem cujusdam N. H. in Parochia de L. in Com. præd. cum diversis aliis malefactoribus et pacis dict. Dom. Regis perturbatoribus ignotis ad numerum septem personarum præter personas de familia ejusdem N. H. sub colore exercendi Religionem in alio modo qm. allocata est per liturgiam aut usum Anglicanæ Ecclesiæ contra pacem dict. Dom. Regis nunc & contra formam Statuti in hujusm. casu editi & provis. Et præd. I. H. &c. ad tunc et ibidem coram Justic. præd. de offensis præd. convicti sunt et quilibet eorum convictus est, et ideo præfat. Justic. præd. J. H. &c. die et anno supradict. ad communem Gaolam dict. Dom. Regis pro comitatu D. præd. pro offensis præd. comiser. ibidem moratur per spacium. dies. tunc prox. sequen. nisi quilibet eorum præd. J. H. &c. præd. seperatim. pro seipsis præd. Justic. solver. quinq. solid. pro sine per præd. Justic. Ass. pro offensis præd. In cujus rei Testi-

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monium

*monium Justic. præd. huic præsent' Record. manus et sigill. sua
posuer' dat' apud L. præd. die et anno sup. dict.*

**Against those who refuse to pay their
Fine, being convicted upon Record.**

**Devon. ff. To the Constables, &c. afore-
said, and to the Keeper of his Majesties
Gaol, &c.**

Forasmuch as T. C. of &c. was this present day, according to the form of an Act of Parliament made, intituled an Act to prevent and suppress Seditious Conventicles convicted by Record by us made, of being present in the Parish of N. in the said County under pretence of exercise of Religion, in other manner then is allowed by the Liturgy of the Church of England, contrary to the Act aforesaid. And whereas we did, upon the said Conviction, Fine the said T. C. for his said offence, And he did not pay down the said Fine unto us. These are therefore, as in other *Minimus's*. Hereof fail not, &c.

The like *Minimus*, *mutatis mutandis* to the House of Correction, if the Justices think-fit to send the Offender thither, which they must not do, if the Offender or her Husband (if feme covert) have five pounds *per annum*, Free-hold or Copy-hold, or Fifty Pounds Goods,

mit.

Mittimus upon the second Conviction.

Devon. ff. *To the Constables, &c. and to the Keeper of his Majesties Gaol, &c.*

FORasmuch as, &c. (as in the former Warrant) and forasmuch as the said T.C. hath been once before that time, Convicted of the like offence, contrary to the Act aforesaid. These are therefore in his Majesties name, to charge and command you the said Constable, &c. (as in the other *Mittimus* to the Gaol, &c. for any time, not exceeding six Months.)

The like *Mittimus* as in the last, to the House of Correction, if not Fifty Pound *per annum*, or Fifty Pounds in Goods,

A Mittimus upon the Third Conviction.

Devon. ff. *To the Constable, &c.*

FORasmuch as T. C. was this present day (according to the form of an Act of Parliament lately made, Intituled an Act to prevent Seditious Conventicles) Convicted by Record by us made, of being present in the Parish of N. in the said County under colour or pretence of exercise of Religion, in other manner then is allowed by the Liturgy of the Church of England, contrary to the Act aforesaid. And forasmuch as the said T.C. hath been twice before that time convicted of the like offence, contrary to the said Act. These are therefore in
his

his Majesties name, to charge and command you the said Constable, &c. and every of you, some, or one of you, do take the said T. C. and him safely convey to his Majesties Gaol afore said, and there deliver him to the said Keeper of the same (together with this Precept, commanding also you the said Keeper to receive him, and there safely keep him without Bail or Mainprize, until the next general Quarter Sessions, to be holden for this County: The next Assizes, Gaol delivery, great Sessions, or sitting of any Commission of Oyer and Terminer, in the County afore said, which shall first happen, and you, then and there, have him to be further proceeded against, as by the Act is directed. Whereof fail not at your Perils. Given, &c.

The like *Mittimus* to the House of Correction, if they have not five Pounds *per annum*, or five Pounds in Goods.

A Certificate in case of a Conventicle.

To the Lieutenant or Deputy Lieutenant, or any Commissioned Officer of the Militia, or any other his Majesties Forces, the Sheriffs, Justices, or other Magistrates and Ministers of Justice, joyntly or severally.

THese are to certifie you, that I am credibly informed, That an unlawful Assembly, under pretence or colour of exercise of Religion, in other manner then is allowed by the Liturgy of the Church of *England*, contrary to an Act of Parliament lately made, intituled, an Act to prevent and suppress Seditious Conventicles) is held every Lords day, at *M.* in the Parish of *L.* in the County afore said, and that (with such assistance as I can get together) I am not able to suppress or dissolve the

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the same. All which I do certifie unto you; to the end, that I might repair to the place aforesaid, and do therein, as by the said Act is required and enjoined. Given, &c.

An unlawful Meeting or Conventicle, held, or to be held, under colour or pretence of Religion, &c. Liturgy or Practice, &c. dissolve and dissipate or prevent, &c.

A Record against one that suffereth a Conventicle, &c. to be kept in his House.

Devon. ss. **M**emorandum, That upon the three and Twentieth day of *January*, in the first year of the Reign of our Sovereign Lord *James* the Second, by the grace of God, of *England, Scotland, France and Ireland* King, Defender of the Faith, &c. It was according to the form of an Act of Parliament in that behalf, lately made (Intituled, an Act to prevent and suppress seditious Conventicles, duly proved to us, that *L. M.* of, &c. did wittingly and willingly suffer a Meeting, under pretence or colour of exercise of Religion, in other manner then is allowed, by the Liturgy of the Church of *England*, to be held in his House in the Parish of &c. in the said County, upon the fiftenth day of this instant Month of *January*, contrary to the Act aforesaid, of all which we have, the day and year first above written, made this Record under our Hands and Seals, the &c.

To

*To the Constable, &c. and to the Keeper of
his Majesties Gaol, &c.*

FORasmuch as *A. B.* of &c. was this present day according to the form of an Act of Parliament lately made, entituled, an Act to prevent and suppress Seditious Conventicles, by Record by us made, of wittingly and wilfully suffering a Meeting or Conventicle, under pretence or colour of exercise of Religion, in another manner then is allowed by the Liturgy of the Church of *England*, to be held in his House in the Parish of *S.* in the County of *K.* upon the &c. now last past, contrary to the Act aforesaid: And whereas we did upon the said Conviction, fine the said *A. B.* for his said Offence, and he did not pay down the said fine unto us. These are therefore in his Majesties name, to charge and command you the said Constables, &c. and every of you, that you, or some, or one of you, do take the said *A. B.* and him safely convey to his Majesties Gaol aforesaid, and there deliver him to the said Keeper of the same (together with this Precept) commanding also you the said Keeper to receive him into the said Gaol, and him there safely keep, without Bail or Mainprize, until he shall have paid his said Fine, or until the next general quarter Sessions, to be holden for this County, the next Assizes, Gaol delivery, or Sitting of any Com. of *Oyer* or *Terminer*, in the said County, which shall first happen, and you, then and there, have him to be further proceeded against, as by the said Act is directed. Hereof fail not at your Perils. Given under our Hands and Seals, the, &c.

The like to the House of Correction, if the Offender have not five Pounds *per annum*, or fifty Pounds in Goods.

Mit-

Mittimus upon the Second Offence.

Devon. ff. *To the Constables, &c. and to the Keeper, &c.*

FORasmuch as *A. B.* of *&c.* was this present day, according to the form of an Act of Parliament lately made, Intituled, an Act to prevent and suppress seditious Conventicles, convicted by Record, by us made, of wittingly and willingly suffering a Meeting or Conventicle, under pretence of exercise of Religion, in an other manner then is allowed by the Liturgy of the Church of *England*, to be held in his House, in the Parish of, &c. in the said County, upon the sixth day of *the* now last past, contrary to the Act aforesaid. And for as much as the said *A. B.* hath been once before that time, convicted of the like offence, contrary to the Act aforesaid. These are in his Majesties name (as before) &c.

Devon. ff. *To the Constable, &c. of the Hundred of A. and to every of them, and to the Keeper of his Majesties Gaol for the County at L. in the County aforesaid.*

FORasmuch as *A. B.* of *&c.* was this present day, according to the form of an Act of Parliament lately made, Intituled, an Act to prevent and suppress seditious Conventicles,

venticles, convicted by Record, by us made, of wittingly and willingly, suffering a Meeting or Conventicle, under pretence or colour of exercise of Religion in another manner then is allowed, by the Liturgy of the Church of *England*, contrary to the Act aforesaid. And forasmuch as the said *A. B.* hath been twice before that time, Convicted of the like Offence. These are therefore, &c.

A Certificate of taking the Oath concerning Conventicles.

Devon. J. **I** *A. B.* of &c. Knight, one of his Majesties Justices of the Peace, of the County aforesaid; do humbly certifie, that *C. D.* did, this present day, before me, take the Oath mentioned in an Act of Parliament lately made, Intituled, an Act to prevent and suppress Seditious Conventicles) In these words I do swear, that I do not hold the taking of an Oath to be unlawful, nor refuse to take an Oath upon that account. In Testimony whereof I the said *A. B.* have hereunto set my Hand and Seal, the tenth day of *October*, Anno Dom. one Thousand, six Hundred, Eighty five, and in the First year of the Reign of our Sovereign Lord *James* the Second, &c.

Against

Against a Gaoler, for letting one Committed (upon the Act concerning Conventicles) go at large.

Devon. sh. To the Constables, &c. of the Hundred of A. and to every of them.

Forasmuch as it hath been duly proved unto us, that *A. B.* Keeper of his Majesties Gaol at *C.* in the County aforesaid, the sixth day of *April* last past, permitted *D. E.* to go at large, contrary to the Warrant of his Commitment, made by vertue of an Act of Parliament lately made, intituled an Act to prevent and suppress Sedicious Conventicles, and contrary to the Act aforesaid. These are therefore in his Majesties name, to charge and command you, and every of you, that you, some, or one of you, do levy, of the Goods and Chattles of the said *A. B.* the sum of ten Pounds, by him forfeited for his said Offence. And that you do pay the Moneys Levied to the Church-wardens, for the poor of the Parish of *C.* within the said County, for the relief of the Poor of the said Parish. Given under our Hands and Seals.

The like Warrant, if the Keeper of the House of Correction suffers the Offenders to go at large.

A Warrant for Witnesses, to probe Persons to have been at a Conventicle.

To the Constables, &c. Headbor. and Tithing-Men of the Hundred of Axminster, in the County of Devon. and to every of them.

Whereas we have (this day) received information, that several Persons (upon the 20th. day of *October*

ber last past) were present in the Parish of *Axminster*, in the said County, at a Conventicle, then and there held under colour of exercise of Religion, in other manner, then according to the Liturgy and Practice of the Church of *England* (contrary to the form of an Act of Parliament, lately made and provided to prevent and suppress Seditious Conventicles) and whereas we are also informed that several persons hereunder named can testify the Particulars, and truth of the Premises. These are therefore (in his Majesties name) to command you and every of you, that you do give notice to the several Persons, that they and every of them are by us commanded to appear before us at the House of *John Knight*, Esq; in the County aforesaid; on *Wednesday* the 22d. day of this Instant *May*, at Nine of the Clock in the Forenoon of the same day, then and there to testify their several Knowledges touching the Premises; whereof neither they nor any of them are to fail (at their peril) and you are further hereby commanded to appear (at the time and place aforesaid) to make appear unto us, what you have done in the execution hereof. Hereof you are not to fail at your Perils. Given under our Hands and Seals at *F.* in the said County. the first day of *March* 1685. *Annoque Regni Regis Jacobi Secundi primo.*

A. B. of Sc. } and as many as be.
C. D. of Sc. }

A Certificate made by a Justice, where the Offenders live in a Corporation.

VILLIAM BRAGG and *Thomas Frey* Esquires (two of his Majesties Justices, assigned to keep *Sc.* in his County aforesaid) to the chief Magistrate of the Corporation of *Bideford*, in the said County, greeting. Whereas *A. B. of C.* aforesaid, in the County aforesaid Yeoman, was, (this present day, before us) Convicted (according to an Act of Parliament, to prevent and

and suppress Seditious Conventicles (lately made and provided) of being present in the dwelling House of *C. D.* in the Parish of *E.* in the County aforesaid, upon the sixth day of this instant *March*, at a Conventicle, then and there held (under colour of exercise of Religion) in other manner, then according to the Liturgy and Praeface of the Church of *England* (contrary to the form of the Act aforesaid) and we have (by vertue of the said Act) imposed upon him a Fine of five Shillings, (for that his offence.) And whereas also the said *A. B.* was this present day (before us) also (according to the said Act) convicted of his wittingly and willingly suffering the Conventicle aforesaid, to be held in his aforesaid dwelling house, contrary to the form of the Act aforesaid, for which offence, he hath forfeited the Sum of twenty Pounds, and for that we do (in our judgment) think the said *A. B.* poor, and unable to pay the said Sum of Twenty Pounds, by him, as aforesaid forfeited, we have therefore, by our discretions, adjudged one Hundred Shillings thereof, to be levied of the Goods and Chattles of the aforesaid *A. B.* who, as aforesaid, was present at the same Conventicle. And forasmuch as the said *A. B.* is an Inhabitant in the Corporation aforesaid. We do therefore certifie you of the Premises, to the end you may proceed thereupon, as by the said Act is required. Given under our Hands and Seals at *D.* in the said County, the one and Twentieth day of *March*, Anno Dom. 1685. *Regis Jac. 2. prim. Sec.*

**A warrant to Levy the Money upon the
Offenders.**

**To the Constables, &c. Headboroughs and
Tithingmen of the Hundred of A. in the
County of Devon. and to every of them;
and to the Church-wardens and Overseers
of the Poor of the Parish of A. in the
County aforesaid, and to every of them;
and to all and every other Officers, whom
the Execution hereof may concern.**

FORasmuch as A. B. of the said Parish of Axminster, was, this present day, according to an Act of Parliament, to prevent and suppress Seditious Conventicles, lately made and provided, by us Convicted of his wittingly and willingly suffering an Assembly to be holden in his dwelling house in the said Parish of Axminster, upon the Thirteenth day of March last past, under colour or pretence of exercise of Religion, in other manner, then according to the Liturgy and practice of the Church of England, contrary to the form of the Act aforesaid, by which he hath, according to the said Act, forfeited the sum of Twenty Pounds, for his said offence. These are therefore, in his Majesties name, to command you, and every of you, forthwith to Levy, by Distress and Sale of the Goods and Chattles of the said A. B. the aforesaid sum of Twenty Pounds, and you, and every of you, are, in his Majesties name, hereby further commanded, that when you, or any of you, have, as aforesaid, levied the sum aforesaid, that then they or he, having so levied the same, do forthwith deliver the same to us, or any of us, to be distributed according to the said Act: Hereof, neither you, nor any of you, are

to fail, at your peril. Given under our Hands and Seals
at C. in the said County, &c. *in supra.*

**A Warrant to Levy the Penalty of the
Statute upon the Teacher in a Con-
venticle.**

*To the Constable, &c. Headborough and
Tithing-men of the Hundred of Axmin-
ster in the said County, and to the Church-
wardens and Overseers of the Poor of the
Parish of Axminster, in the County afore-
said, and all other officers within the said
County, whom the Execution hereof may
concern.*

Whereas much as I did, this present day, receive a Certi-
ficate, to me directed, under the Hand and Seal of
William Bragg of Thorncomb in the County of Devon,
Esquire, one of his Majesties Justices, assigned to keep
the Peace in the said County of Devon. That A. B. of
C. aforesaid Yeoman, was (upon the last day of this In-
stant March) by him Convicted, by proof to him made,
according to an Act of Parliament, intituled, an Act to
prevent and suppress Seditious Conventicles, lately made
and provided, of being present in the Barn of D. E. of
C. in the said County of Devon. Yeoman; and there
did take upon him, to preach or teach at a Conventicle,
on day of March last past, under pretence of exercise
of Religion, in other manner, then according to the
Liturgy and practice of the Church of England, and
contrary to the form of the Act aforesaid; and that
therefore, being thereof Convicted as aforesaid, the said
A. B. did forfeit for the said first offence Twenty Pounds,
as being thought by him able to pay the same, as by the

said certificate appeareth, these are therefore, by vertue of the Act aforesaid, in his Majesties Name, to command you, that you, some, or one of you, do forthwith Levy the said Twenty Pounds, by Distress and Sale of the Goods and Chattles of the said *A. B.* and that when you, or any of you, have so levied the said Twenty Pounds, or any part thereof, that then you, they, or he, that hath so levied the same, do forthwith deliver the Money so levied, to the aforesaid *William Bragg*, to be by him distributed, according to the Act aforesaid. Hereof, neither you, nor any of you, are to fail, at your peril. Given under my Hand and Seal at *Exon*, in the said County, the 11 of *March*, Anno Dom. 1685. & prim. *Jacob. secund.*

A Condition of a Recognizance, in case of an Appeal made, touching Conventicles.

THE Condition of this Recognizance is such, that whereas *A. B.* in the within named County of *Devon*, &c. was lately convicted by the within named Justice, of taking upon him to teach in an Assembly lately held in the Parish Church of *C.* within written (under pretence of exercise of Religion, in other manner, then according to the Liturgy and Practice of the Church of *England*) against the form of the Statute lately made, to prevent and suppress Seditious Conventicles) and had therefore (according to the Statute aforesaid, forfeited the Sum of twenty Pounds; And for that, in the Judgments of the said Justices) they did think the said *A. B.* unable to pay the said sum of twenty Pounds. They did therefore by their discretion, adjudge five Pounds thereof, to be levied by Distress and Sale of the Goods and Chattles of the within bounden *D. E.* (who was also, according to the said Statute) Convicted of being present at the said Assembly (contrary to the said Statute aforesaid) and whereas the said *D. E.* was also, by the said Justices, Convicted, for that he, at the time of the said Assembly

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Assembly, was one of the Churchwardens of the said Parish) and knowing the said Assembly to be holden within the same, did not give information thereof to any Justice of the Peace; nor endeavour the Conviction of the parties, which were at the said Assembly, nor any of them (according to the duty of his said Office) But wittingly and willingly, did omit the performance of his Office aforesaid, in the execution of the said Statute (against the form of the same) by which he forfeited the sum of Five Pounds, and the said two several sums of Five Pounds, have (by Warrant of the said Justice) been levied, of the Goods and Chattles of the said *D. E.* And he hath the day and year within written, appealed from the Justices aforesaid, to the judgment of the Justices of the Peace, of the said County, in their next Quarter Sessions. If therefore the said *D. E.* do prosecute the said appeal (with effect) that then this Recognizance shall be void, or else it shall stand in full force.

A Warrant to Levy Money upon the Offenders.

To the Constables, &c. prout per Precedent Warrant.

FORASMUCH as *D. E.* of the aforesaid Parish of *F. Gent.* (one of the Church-wardens of the said Parish) *G. H.* of the Parish aforesaid, Husbandman (the other Church-warden of the said Parish) *J. K.* of the Parish aforesaid Yeoman (one of the overseers of the Poor of the said Parish) *L. M.* of the said Parish Blacksmith, *N. O.* &c. (many others) *P. Q.* of the Parish aforesaid, Husbandman (Headboroughs of the North Borough, in the said Parish) &c. (prout) were every of them, this present day, by us Convicted (according to an Act of Parliament, to prevent and suppress Seditious Conventicles, lately made and provided) of being pre-

sent (in the Parish Church of C. aforesaid, in the County aforesaid) upon Sunday the Twelfth day of *March* last past (between the hours of Nine and Twelve before Noon, of the same day) at an Assembly (then and there) held (under pretence of exercise of Religion; in other manner, then according to the Liturgy and practice of the Church of *England*) contrary to the form of the Act aforesaid. And we have (by virtue of the said Act) imposed upon every of the said Offenders (so convicted as aforesaid) a Fine of Five Pounds, for that his respective offence. These are therefore (in his Majesties name) to command you, and every of you, forthwith to Levy upon every the said Offenders (Respectively) by Distress and Sale of his respective Goods and Chattles: The aforesaid Fine of Five Pounds. And forasmuch as *A. B.* of C. in the said County *Hugine*, did, then and there, take upon him to teach in the Assembly aforesaid, and did (then and there) teach against the form of the Act aforesaid) and was, this present day, by us (according to the said Act) Convicted of his said offence; and he hath (for the same) forfeited the sum of Twenty Pounds; and for that (in our judgments) we do think the said *A. B.* unable to pay the said sum, forfeited as aforesaid; we have therefore (by our discretion) adjudged the same to be levied on the Goods and Chattles of the aforesaid *D. E. G. H. I. K. L. M. N. O.* who (as aforesaid) were all of them present at the Assembly, and are thereof, as aforesaid Convicted.: And the same sum of twenty Pounds to be levied in manner following, that is to say, one hundred Shillings thereof, of the Goods and Chattles of the said *D. E.* other one hundred Shillings thereof, residue of the Goods and Chattles of the said *G. H.* other 100s. thereof of the Goods and Chattles of *I. K.* and the other one Hundred Shillings thereof, residue of the Goods and Chattles of the said *N. O.* These are therefore in his Majesties name, to command you, and every of you, forthwith, to Levy one Hundred Shillings, parcel of the said Sum of twenty Pounds, by Distress and Sale of the Goods and Chattles of the said *D. E.* And to Levy other one Hundred Shillings, other parcel of the said Sum of twenty Pounds, by Distress and Sale of the Goods and Chattles of the said *G. H.* and to Levy other one Hundred Shillings, other Parcel of the said Sum of twenty Pounds, by Distress and Sale

Sale of the Goods and Chattles of the aforesaid *I. K.* and to Levy the other one Hundred Shillings (Residue of the said sum of Twenty Pounds, by Distress and Sale of the Goods and Chattles of the said *N. O.*: And forasmuch as *R. S.* of the aforesaid Parish of *C. Labourer*, was this present day, by us Convicted (according to the Act aforesaid) of being present at the Assembly aforesaid (contrary to the said Act:) And we have also (by virtue of the aforesaid Act) imposed upon him a Fine of Five Shillings, for that his Offence, and for that we do (in our Judgments) think the said *R. S.* poor, and unable to pay the said sum of Five Shillings (upon him, for his said offence) imposed as aforesaid: We have therefore (by our discretion) adjudged the same to be levied of the Goods and Chattles of the said *L. M.* who (as aforesaid) is Convicted of the like offence, at the same Assembly: these are therefore (in his Majesties Name) to command you, and every of you, forthwith to Levy the said Fine of Five Shillings, by Distress and Sale of the Goods and Chattles of the said *L. M.* And forasmuch as *T. P.* of *X.* in the County aforesaid Malster, was this present day, by us Convicted (according to the Act aforesaid) of being present at the Assembly aforesaid (contrary to the said Act) and for that the said *G. H.* heretofore committed the like offence, and (according to the form of the said Act aforesaid) was thereof Convicted; therefore he, for his said offence, of being present at the Assembly herein before mentioned, hath incurred the penalty of Ten Shillings. These are therefore in his Majesties Name (to command you, and every of you, forthwith to Levy the said Ten Shillings, by Distress and Sale of the Goods and Chattles of the aforesaid *G. H.* And forasmuch as *Joan* (the Wife of the said *I. K.* and *Anne* the Wife of *N. O.*) were both of them (this present day) by us Convicted, according to the Act aforesaid, of being present at the Assembly aforesaid, contrary to the said Act, we have, by virtue of the Act aforesaid, imposed upon the said *Joan* a Fine of Five Shillings, for that her respective offence, and we also, by virtue of the said Act, have imposed upon the said *Anne* a Fine of Five Shillings, for her said respective offence, and for that the said *Joan* is a feme Covert, co-habiting with the said *I. K.* her Husband; and that the said *Anne* is also a feme Covert, co-habiting with the said *N. O.* her Husband.

band. These are therefore in his Majesties Name, to command you, and every of you, forthwith to Levy the aforesaid Fine of Five Shillings, so imposed upon the said *Joan* as aforesaid, by Distress and Sale of the Goods and Chattles of the said *J. K.* and to Levy the aforesaid Fine of Five Shillings, so imposed upon the said *Anne* as aforesaid, by Distress and Sale of the Goods and Chattles of the said *N. O.* And soasmuch as, the aforesaid *D. E.* at the time of the said Assembly, was, and still is one of the Church-wardens of the Parish of *C.* aforesaid, and the aforesaid *G. H.* then also was, and still is, the other Church-warden of the aforesaid Parish, and the aforesaid *J. K.* then was, and still is, one of the Overseers of the Poor of the said Parish, and the said *D. E.* then was, and still is, Headborough of the *Norw* borough, in the Parish aforesaid, and every of them, was, this present day by us, according to the said Act, Convicted, for that he knowing the Assembly aforesaid, in form aforesaid, to be holden within the said Parish, did not give Information thereof to any Justice of the Peace, nor endeavour the Conviction of the Parties aforesaid, or any of them, but wittingly and willingly, did omit the performance of his duty, in execution of the Act aforesaid, against the form of the said Act, for which offence, every of them, hath respectively forfeited the sum of Five Pounds. These are therefore, in his Majesties name, to command you, and every of you, to Levy the sum of Five Pounds, by the said *D. E.* so forfeited as is last before mentioned, by Distress and Sale of his Goods and Chattles, and to Levy the Sum of Five Pounds by the said *J. K.* so forfeited, as is last before mentioned, by Distress and Sale of his Goods and Chattles, and to Levy upon the other Church-wardens (*prout*) and you and every of you, are hereby, in his Majesties name, further commanded, that when you, or any of you, have (as aforesaid) Levied the several Fines and Forfeitures aforesaid, or any of them, that then, they, or he so having levied the same, do forthwith deliver the same to us, or any of us, to be distributed according to the said Act, Hereof, neither you, nor any of you, &c. (*pross supra*)

A Memorial of a Record of a Conventicle.

A Memorial of the Account of the Monies mentioned in the Record certified at the Quarter Sessions of the Peace, holden for the said County aforesaid, on *Wednesday* next, after the close of *Easter 1684*. by *A. B. C. D. E. F. and G. H.* Esquires, four of his Majesties Justices of the Peace of the said County, forfeited as in the said Record is mentioned, in an Assembly, holden (in the dwelling house of *F. K.* in the Parish of *L.* in the County aforesaid) under colour of exercise of Religion, in other manner then according to the Liturgy of the Church of England, upon the first day of *March 1685*.

His Majesties third part of the said Forfeitures, by the said Justices, tendred into the Court of the General Sessions of the Peace, holden for the said County of *Devon.* aforesaid, on *Wednesday* next after the close of *Easter 1685*. And by appointment of the same by the said Justices, paid to *Sir John Drake Kt.* and Baronet, Sheriff of the said County, to his Majesties use, viz.

For *John Cogan* 20d. 20d. and 34s.
 All which was Levied and paid to the said Justices, since the last general Sessions of the Peace holden for the said County at *A.* aforesaid, viz.

Summa

RECORDS OF A General Petition

And as concerning the Moneys in the said Record, mentioned to be payable by the several Persons hereunder named; His Majesties said party whereof cometh to as followeth.

Will. Turner 20 20 and 3 3 4 In all—06—04
John Baker 20 20 20 and 4 4 In all—06—04
Geor. Selwood 20 and 23 4 In all—01—00

Rich. Knibbs In all—06—13—04
 In all—12—03—04

The said Justices do say, that they did, upon the second day of March 1685. being the day of the Conviction of the Persons aforesaid, for their Offences in the said Record mentioned, make out their Warrants for levying thereof. (But they have not as yet received the same, or any part thereof, nor is the same, or any part thereof, as yet levied; that they know of, though they have diligently inquired after the same.

A Record of a Conventicle.

Memorandum quod A. B. de Axminster, in com. prad. Yeoman, C. D. de Smaltridge in com. prad. Ar. Anna uxor E. F. de Parochia de Kilmerton in com. prad. Clothier, Elizabeth Wiat de Kilmerton prad. in com. prad. vidua G. H. de &c. cum multis alijs, in toto se armingen' ad numerum decem personar'. & quilibet eorum die Jovis tertio die Julii, Anno Regni Dom. Regis nunc primo ultra octavo Quadesim annorum, & subdit. dict. Dom. Regis nunc exist' predict' tertio die Julii Anno primo supradict' in simul assembler' & presentes fuerunt, & quilibet eorum p'ens fuit in domo mansionali ipsius Elizab. Wiat, vidua prad. Parochia de Kilmerton in com. prad. ad Conventiculum, sub colore exercitationis. (Anglice exercise) Religionis in alio modo quem secund. Liturgiam & practicationem (Anglice practise) Eccles. Angliae, adtunc & ibidem tent. contra formam Statut' pro puniend' & supprimend' seditiosa Conventicula nuper editi, & promiss.

Memorandum etiam quod, tempore & loco supradict'. prad. A. B. assumpsit super se docere in Conventiculo prad. & in eodem, adtunc & ibidem docuit contra formam Statut' prad. quodque prad. Eliz Wiat vidua tempore supradict' scienter (Anglice mittingly) & voluntarie permisit Conventiculum pradict' fore tenend. in domo mansionali sua prad. contra formam ejusdem Statuti.

Record. quar. quidem sepefallum offensarum ego J. K. unus Julii' dict. Dom. Regis ad pacem suam in com. suo prad. conseruat. assign. cui, secundam formam & effectum Statut' prad. generales offensas predict. sic (ut perfect.) fore commiss. sufficient' apparuit) per presentes sub manu & sigillo meo, duodecimo die Julii Anno supradict'. apud Smaltridge prad. in Com. prad. feci prad. A. B. C. D. prad. Anna uxor prad. E. F. Elizab. Wiat, G. H. Fun. G. H. Sen. I. M. N. Q. Eliz. Wiat vidua & Sarah Wiat Spinster, de separalibus offensis in Record. prad. superius mentionat. per Recordum illud virtute Statut' prad. plene & perfecte convicti sunt, & quilibet eorum inde separal' plene ex perfecte convict' est & ego prefat' Justiciarius (Superinde virtute Stat' prad.) die Anno & loco ultim' mentionat.

cionat) Finem quinque solidorum super quemlibet offensorem Anglice offender, præd. sicut prefertur, ad Convēticulum præd. present' existen, pro sepeciali offensa sua præd. imposui predictaque Eliz. Wiat vidua pro offensa sua præd. eo quod ipsa, ut prefert' permisit Convēticulum præd. fore tenend. in domo mancionali sua præd. forisfecit summam viginti librarum, virtute Stat' præd. prædict' q; A. B. pro offensa sua præd. eo quod ipse, ut prefert', assumpsit super se docere in Carventiculo præd. & in eadem, ut præd. est, docuit forisfecit summam viginti librar. (virtute Stat. præd.)

Memorandum quod A. B. de Par. de C. &c. prout & quidam alius homo ignotus, in toto se attingen' ad numerum Personarum, & quilibet eorum tertio die, &c. Anno, &c. ult. atatem, &c. & subdit', &c. ad numerum quinque personarum, ad tunc fuerint de familia C. D. de præd. Par. &c. in com. præd. Merc. (in præd. Paroch. de Axminster) eodem tertio die, &c. Anno, &c. Insimul assemblaverunt & presentes fuerunt & quilibet eorum presens fuit in domo mancionali ipsius C. D. in præd. Par. de Axminster in com. præd. & assemblaverunt sub colore, &c. prout &c.

Memorandum etiam quod præd. Homo ignotus adun' & ibidem assumpsit super se docere in Assem. præd. & adun' & ibidem, docuit, etiam contra formam ejusdem Statut'.

Memorandum etiam quod præd. C. D. tempore supradicti, scienter Anglice wittingly et voluntarie permisit Assem. præd. fore tenend. in domo mancionali sua præd. etiam contra formam Stat. præd.

Record. quarum quidem separalium Offensar, nos W. B. miles T. S. P. H. Justiciarii dict. Dom. Regis ad pacem suam in com. supra dict. &c.

Quibus, secundum for. & esset. Stat. præd. separales offensas præd. sic, ut prefertur fore commissi sufficient' apparuit, per presentes sub manibus & sigill. nostris 16 die A. Anno & primo, supradicti. apud A. præd. in com. præd. fecimus prædicti. J. M. & præd. Susan. Uxor ejus H. B. &c. C. D. & prædicti. homo ignotus de sepecialibus offensis suis in Recordo præd.

illud, virtute Stat. prædicti. plene & perfecte convicti sunt & quilibet eorum inde separali. plene & perfecte convicti est, & nos præfat. Justiciarii superinde, virtute Stat. præd. die anno & loco ultimo mentionat. super quemlibet offensorem, Anglice offenders, prædicti. sic ut præfati. ad assembl. præd. present' existen. pro sepeciali offensa sua præd. finem quinque solidorum imposuimus præd. homo ignotus pro offensa sua præd. eo quod ipse, ut prefert. assumpsi

Assumpsit super se docere in assembl. præd. & adtrunc & ibidem, docuit forisfecerit summam vigint. librarum, virtute Stat. præd. Quodq; C. D. pro offensa sua prædict. eo quod ipse, ut præfert. permixsit Ass. præd. fore tenend. in domo mancional. sua præd. forisfecerit summam vigint. librar. virtute stat. illius, & quia in iudiciis nostris, putavimus præd. H. B. fore pauperum & inhabilem solvere præd. finem quinq; solid. super ipsum pro offensa sua præd. eo quod ipse, ut præfert. præsens fuit ad Ass. præd. ut perfectè imposuit, & eo quod præd. finis quinque super præd. hominem ignotum, eo quod ipse ut præfert. præsens fuit ad assembl. præd. ut præfert. imposuit. de bonis & catallis suis levare non potest ideo (ex discretionibus nostris) præd. duos sepeales fines ss. ult. mencionat. de bonis & catallis præd. P. H. Qui (ut præfert.) ad Ass. præd. præsens fuit. Nos præfat. Iusticiarii (quod P. D. præd. in com prædict. 16 die Mar. Anno viceffimo 70. supradict. levare adjudicavimus, & quia prædict. homo. Qui ut præfert. assumpsit super se docere in Ass. præd. & adtrunc & ibidem docuit est extraneus (Anglice a stranger) & nomen & habitac. sua incognit. exist. Ideo (ex discretionibus nostris) præd. summam vigint. libr. per ipsum pro offensa sua prædicta, ut præfert. forisfact. Nos præfat. Iusticiarii die anno & loco ult. mencionat. de bonis & catallis suprad. personar. supra mencionat levare adjudicavimus modo & forma sequen. viz. de bonis & catallis præd. J. M. Qui, &c. prout, &c. & 10 s. inde de bonis & catallis præd. C. D. Qui etiam, &c. prout &c.

Another Record of a Conventicle.

Memorandum quod A. B. de Parochia de Ax. in com. " præd. Yeoman, C. D. de Small. in Com. præd. " Gent. E. F. de Ax. præd. in com. prædict. Tanner, " & Mar. Uxor ejus, G. H. de Ax. prædict. in com. præ- " dict. Barber, Sarah B. de Ax. prædicta in com. præd. " vidua, I. K. de Ax. præd. in com. præd. Tailor, Tho. F. " de Ax. præd. in com. præd. Cook, L. M. de Ax. præd. " Mason, N. O. de Ax. præd. in com. præd. B. Richard, " C. de Ax. præd. in com. præd. H. Joh. C. de Ax. præd. " in com, præd. C. Robert. C. de Ax. præd. in com. præd. " D. Joh.

" *D. Joh. B. Wintner*, de *Ax.* præd. in com. præd. *H. B. D.*
 " de *Ax.* præd. in com. præd. *Moses B.* de *Ax.* præd. in
 " com. præd. *C. T. B. P.* de *Ax.* præd. in com. præd. *D.*
 " *R. G.* de *Ax.* præd. in com. præd. *W. H. M.* de *Ax.*
 " præd. in com. præd. *F. P. M.* de *Small.* præd. in com.
 " præd. *Mar. Smith* de *Ax.* præd. in com. præd. single
 " woman, in toto se attingen. ad numerum viginti
 " personarum, & quilibet eorum (secundo die *Martii*
 " anno regni Domini Regis nunc primo) ultra ætatem
 " quindecim annorum, & subdit' dicti. Dom. Regis
 " nunc exist. quorumque ad numerum quinque persona-
 " rum & ultra ad tunc non fuerunt de Familia (*Anglice*
 " *household*) ipsius *Sarah B.* in præd. Parochia de *Ax.* in
 " com. præd. eodem secundo die *Martii* anno primo si-
 " prædict' insimul assemblerunt & præsentés fuerunt
 " & quilibet eorum præsens fuit in domo mancipiali ip-
 " sius: *Sarah B.* apud *Broadbeath* in Paroch. de *Ax.* præd.
 " in com. præd. ad assemblacionem sub colore exercitacio-
 " nis (*Anglice exerce*) Religionis in alio modo, quam
 " secundum Liburgiam & præfessionem, *Anglice* præfise
 " Ecclesiæ *Angliæ*, ad tunc & ibidem tent' contra formam
 " Statuti prævenire & suppressere seditiosa conventicula
 " nuper edit, & provis. & adtunc & adhuc in pleno robore
 " existen.

" Memorandum etiam quod præd. *Johannes Baker* (ad-
 " tunc & ibidem assumpsit, super se docere in Assembla-
 " cione prædicta &, adtunc & ibidem, docuit, etiam con-
 " tra formam ejusdem Statuti.

" Memorandum etiam quod prædicta *Sara B.* (tem-
 " pore supradicto) scient. *Anglice* wittingly & volunta-
 " rie permisit Assemblacionem prædictam fore tenend.
 " in domo mancipiali sua prædicta, etiam contra formam
 " Statuti prædict'.

" Record. quar. quidem separatim offensarum, nos
 " *William Bragg & Tho. Frey* Armig. (Justiciarii dicti. Dom.
 " Regis ad pacem suam in com. suo præd. conservand.
 " assignat') quibus, secundum formam & effectum Stat.
 " præd. separales offensas præd. sic, ut præfertur, fore
 " commissi sufficient' apparuit, per præsentés, sub ma-
 " nibus & sigillis nostris; secundo die *Martii*, anno pri-
 " mo supradicto, apud *Broadbeath* præd. in com. præd.
 " feci.

"facimus, prædictique A.B.C.D.E.F. Mary Uxor ejus.
 "G.H.I.K. Tho. F. I. M. N. O. R. C. H. P. H. B. M. E. T. B. G. R.
 "W. H. F. A. & Mar. Smith de separalibus offensis suis in
 "Recordo prædicto superius mencionat' per Record. il-
 "lus, virtute Statuti prædicti, plena & perfecte convi-
 "cti sunt, & quilibet eorum inde seperalit. plene & per-
 "fecte convicti. est. & nos prefati Justiciarii superinde,
 "virtute Statuti prædicti, die, anno, & loco ultimo men-
 "cionat super quolibet offenderum, Anglice Offenders,
 "prædictorum, sicut præfert. ad assemblacionem præd.
 "present. existen. præd. Tho. Smith, tantummodo,
 "except. pro seperali offensa sua prædicta finem quinq.
 "solidorum imposuimus, & quia præd. Tho. Smith ante
 "hoc commisit talem offensam, contra formam Statuti
 "præd. & secundum formam Stat. illius, inde convicti.
 "nit ideo ipse pro offensa sua superius primo mencio-
 "nat incurrit penalitatem decem solidorum prædictq;
 "Job. Baker pro offensa sua præd. eo quod ipse, ut præ-
 "fertur, assumpsit, super se docere in Assemblacione
 "præd. & adtunc & ibidem docuit forisfecerit summam viginti
 "librarum, virtute Statuti præd. prædictaq; Sa-
 "m. B. pro offensa sua præd. eo quod ipsa, ut præfertur,
 "assemblacionem præd. fore tenendi in domo mancio-
 "nali sua præd. forisfecerit summam viginti librar. virtu-
 "te Statuti illius. Et quia, in judiciis nostris, putamus
 "præd. Tho. F. R. C. I. B. & Mar. Smith, fore pauperes
 "& inhabiles, & quemlibet eorum fore pauperem & in-
 "habilem, solvere præd. separales summas quinque so-
 "lidorum super ipsos, pro separalibus offensis suis præd.
 "ut præfertur, imposuit ideo, in discretionibus nostris,
 "prædictas separales denariorum summas de bonis & ca-
 "tallis præd. C. D. qui & etiam, modo & forma præd.
 "de consimili offensa ad eandem assemblacionem convicti.
 "est. apud Broad-bath, præd. in com. præd. eodem
 "secundo die Mensis Anno primo supradicto, levare adju-
 "dicavimus.

"Et quia etiam, in judiciis nostris, putamus prædictum
 "Johannem Baker fore pauper' & inhabilem solvere præ-
 "dictam summam viginti Librarum per ipsum pro offen-
 "sa sua prædicta, eo quod ipsa, ut præfert' assumpsit su-
 "per se docere in assemblacione prædicta, & adtunc &
 "ibidem, docuit, ut præfert. foris fact. ideo in discre-
 "tionibus nostris, præd. summam viginti librarum de bonis
 "& catallis separalium personarum infra mencionat. apud
 "Broad-

" *broad-beach* præd. in com præd. secundo die *Martii* anno
 " primo supradicto levare adjudicavimus, videlicet de
 " separabilibus bonis & catallis prædictorum *F. B. G. R.*
 " qui ut præfert. presentes fuerunt ad assemblacionem
 " præd. levand. modo & forma sequen. videlicet decem
 " libras inde de bonis & catallis præd. *F. B.* & alias decem
 " libras inde levand. de bonis & catallis præd. *G. R.*
 " Et quia etiam, in judiciis nostris, putamus *Saram B.*
 " fore pauperem & inhabilem solvere præd. summam vi-
 " ginti librarum per ipsam pro offensa sua præd. eo quod
 " ipsa, ut præfertur permittit assemblacionem prædi-
 " ctam fore tenend. in domo mancionali sua præd. foris-
 " fact. ideo, ex discretionibus nostris præd. summam
 " viginti librarum de bonis & catallis separaliū perso-
 " narum infra mencionat. apud *Broad-beach* præd. in com.
 " præd. eodem secundo die *Martii* anno primo supradi-
 " cto, levare adjudicavimus, videlicet, de separabilibus bo-
 " nis & catallis præd. *W. H. F. P. H. B. & M. B.* qui, ut
 " præfertur. ad assemblacionem præd. presentes fuerunt,
 " & de eadem offensa, ut præfert. convicti sunt levand.
 " modo & forma sequen. videlicet octo libras inde de
 " bonis & catallis præd. *W. H.* sexaginta solidos inde de
 " bonis & catallis præd. *F. P.* octaginta solidos inde de
 " bonis & catallis præd. *H. B.* & centum solidos inde de
 " bonis & catallis præd. *Joh. Cogin.*
 " In quarum omnium rerum testimonium nos præfati
 " Justiciarii. die & loco ultimo mencionat, manus & si-
 " gilla nostra præsentibus apposuvimus.

Against a Peer for being at a Conven- ticle, the first Offence.

Devon. ff. *To the Constable, &c. of the
Hundred of A. and to every of them.*

FOrasmuch as *A. B.* of &c. a Peer of this Realm, was
this present day, according to an Act of Parliament
lately

lately made, intituled, An Act to prevent and suppress Seditious Conventicles, convicted by Record by us made, of being present in the Parish of *C.* in the said County, at the house of *D. E.* under pretence and colour of exercise of Religion, in other manner then is allowed by the Liturgy or practice of the Church of *England*, contrary to the Act aforesaid. These are therefore in his Majesties name, to charge and command you, and every of you. that you, some, or one of you, do levy of the Goods and Chatties of the said Lord *A. B.* ten pounds for the offence aforesaid, and that you do pay the Monies so levied, to the Churchwardens of the aforesaid Parish of *C.* for relief of the poor of the said Parish. Hereof fail not at your Perils, Given, &c.

Against a Peer, the second Conviction.

Forasmuch as *A. B. &c.* (a Peer of this Realm,) was this present day, according to the form of an Act of Parliament lately made, intituled, an Act to prevent and suppress seditious Conventicles, convicted by Record by us made, of being present in the Parish of *C.* in the said County, at the House of *D. E.* under pretence or colour of exercise of Religion, in other manner then is allowed by the Liturgy, or practice of the Church of *England*, contrary to the Act aforesaid. And forasmuch as the said Lord *A. B.* hath been once before that time convicted of the like offence, contrary to the said Act. These are therefore in his Majesties name, to charge and command you, &c. (as in the preceedent Warrant, instead of ten pounds, say twenty pounds) &c.

Ff

Against

Against a Peer for suffering a Conventicle to be kept in his House.

Devon. ff. To the Constables, &c.

FOrasmuch as *A. B. &c.* a Peer of this Realm, was this present day, according to the form of an Act of Parliament lately made, intituled, An Act to prevent and suppress Seditious Conventicles, convicted by Record by us made, of wittingly and willingly suffering an Assembly, Conventicle or Meeting, under colour or pretence of exercise of Religion, in another manner then is allowed by the Liturgy or Practice of the Church of *England*, to be held in his House, in the Parish of *C.* in the said County, upon the second day of *March* now past, contrary to the Act aforesaid. These are therefore in his Majesties name, &c. to levy Ten Pounds (as in the former Warrant, &c.)

Against a Peer : the second Conviction, keeping a Conventicle in his House.

Devon. ff. To the Constables, &c.

FOrasmuch as *A. B. &c.* a Peer of this Realm, was this present day, according to an Act of Parliament lately made, intituled, An Act to prevent and suppress Seditious Conventicles (convicted by Record by us made of wittingly and willingly suffering a Conventicle, Meeting or Assembly, under colour or pretence of exercise of Religion, in other manner then is allowed by the Liturgy

turgy or practice of the Church of *England*, to be held in his House, in the said Parish of *C.* in the said County, upon the first day of *March* now last past, contrary to the Act aforesaid. These are therefore in his Majesties name, to charge and command you, and every of you, that you, some, or one of you, do levy, of the Goods and Chattles of the said Lord *A. B.* the sum of Twenty Pounds, for the offence aforesaid, and that you do pay the Monies so levied, to the Churchwarden of the aforesaid Parish of, &c. for relief of the Poor of the said Parish. Hereof fail not at your Perils, Given, &c.

Against one for not coming to Church:

*To the Constable, &c. of the Hundred of
A. &c.*

Forasmuch as I have received information upon Oath, that *A. B.* of &c. did not upon Sunday last past, resort or repair to any Church, Chappel, or other usual place appointed for Common Prayers, and there hear Divine Service, according to the form of the Statute in that case made. Therefore these are in his Majesties name, to will and require you, that you, some, or one of you, do cause him to come before me, to answer the Premises. Hereof fail not at your Perils. Given, &c.

**To Levy ten Shillings per Sunday, for
not coming to Church.**

**Devon. fl. To the Churchwardens of the
Parish of A. in the same County, and to
either of them.**

FORasmuch as *A. B.* of the Parish aforesaid, single man, did not, upon the fourteenth of *March*, nor upon the Sunday then next following, nor upon the Sunday after next ensuing, resort or repair to any Church, Chappel, or other usual place appointed for Common-Prayer, and there hear Divine Service, according to the form of the Statute in that behalf made, and being called before me, did not make sufficient excuse and due proof, of the said default to my satisfaction. These are in his Majesties name, to will and require you, That you, some, or one of you, do levy, by Distress and Sale of the Goods of the said *A. B.* three Shillings for his defaults aforesaid, to be employed to, and for the use of the Poor of that Parish, rendring the overplus of the Moneys raised of the Goods aforesaid to be sold, and in default of such Distress, that you do certifie me thereof, with all convenient speed, to the end that I may further proceed therein, as to Justice doth appertain. Hereof fail not at your Perils, Given, &c.

Wit:

Mittimus to the Gaol for not coming to Church.

Devon. ff. To the Constable, &c. of the Hundred of, &c. and to the Keeper of his Majesties Gaol, &c.

VHereas, by Warrant under my Hand and Seal, the Church-wardens of the Parish of *A.* in the said County, were lately, by me, commanded to levy three Shillings by Distress and Sale of the Goods of *A. B.* of the Parish of *A.* aforesaid, to be employed to and for the use of the Poor of that Parish, for that he did not, upon the Fourteenth day of *March*, nor upon the Sunday after next ensuing, resort or repair to any Church, Chappel, or other usual place appointed for Common-Prayer, and there hear Divine Service, according to the form of the Statute in that case made and provided, and the Church-Wardens aforesaid, have returned to me, that the said *A. B.* hath no Goods or Chattles, sufficient for the levying of the Monies aforesaid. These are therefore in his Majesties name, to will and require you, that you, some, or one of you, do take the aforesaid *A. B.* and him safely convey to his Majesties Gaol, &c. aforesaid, and there deliver him to the Keeper of the same, together with this Precept, commanding also you the said Keeper, to receive him into the said Gaol, and him there safely keep, until payment shall be made of the Monies aforesaid. Hereof fail not at your Perils, Given, &c.

*A Certificate concerning the taking the Oath
and subscribing the taking the Declara-
tion mentioned in the Statute, about re-
gulating of Corporations.*

Devon. ff. **M**emorandum, That A. B. of &c. did, up-
on the Twentieth day of *March*, &c. be-
fore us, whose names are hereunder subscribed (his Ma-
jesties Justices of the Peace of the said County) take the
Oaths of Allegiance and Supremacy, and the Oath ap-
pointed to be taken by the Statute made, in the thir-
teenth year of his late Majesties Raign, entituled, an
Act for the well governing and regulating of Corpora-
tions: And did likewise before us, subscribe the Decla-
ration in the said Statute also mentioned: In Testimo-
ny hereof, we have hereunto set our Hands and Seals,
they &c.

*Against those who affront Customers or
Officers in the due execution of their
Office.*

Devon. ff. *To the Constable, &c. and to
the Keeper of his Majesties Gaol, &c.*

FOrasmuch as it hath been made appear unto me, that
A. B. and C. D. &c. have lately been forceably hindred in
the due execution of their office, in their said places, by
E. F. of G. H. I. of K. armed with, &c. These are
therefore in his Majesties Name, to require you the said
Consta-

Constable, &c. and every of you, that you, some, or one of you, do take the said *E. F.* and *H. I.* and them safely convey to his Majesties Gaol aforesaid, and them there deliver to the said Keeper of the same, together with this precept, requiring also you the said Keeper, to receive him into the said Gaol, and him there safely keep until the next quarter Sessions, there to be dealt with, as by the Statute in that behalf lately made, is appointed. Hereof fail not at your Perils. Given under my Hand and Seal, &c.

Against any that shall carry away Goods without paying Custom, &c.

Devon. ff. To the Constable, &c. of the Hundred of A. in the said County, and to every of them.

Forasmuch as Complaint hath been made unto me, that *A. B.* of &c. hath assisted in the carrying away of Goods (whereof the Custom or other Duty, are payable to the King) at *C.* in the County aforesaid, without notice thereof given to any of the Officers of his Majesties Customs, or paying of any Duty or Custom for the same. These are therefore in his Majesties name, to will and require you, and every of you, that you, some, or one of you, do apprehend the said *A. B.* and him bring before me, to answer the Premises, and further, to do and receive, as by the said Statute in that behalf lately made is appointed. Hereof fail you not at your Perils. Given under my Hand and Seal, the &c.

A Mittimus for the first offence of carrying away Goods, without paying Custom, &c.

Devon. ff. To the Constable, &c. and to the Keeper of his Majesties Gaol, &c.

FOrasmuch as it hath been duly proved before me, that *A. B.* of *Sc.* (as in the last Warrant.) These are therefore in his Majesties name, to require you the said Constable, *Sc.* and every of you, that you, some, or one of you, do convey the said *A. B.* to his Majesties Gaol aforesaid, and him there deliver to the aforesaid Keeper of the same, together with this Precept, requiring also you the said Keeper, to receive him into the said Gaol, and him there safely keep, until he shall find sufficient sureties, to be of good behaviour for so long time, until he be thereof discharged by the Lord Treasurer, Chancellor, or under Treasurer, or Barons of the Exchequer. Hereof fail not at your Perils. Given, *Sc.*

Mittimus for the second Offence, for carrying away Goods, &c.

Devon. ff. To the Constable, &c. and to the Keeper of his Majesties Gaol, &c.

FOrasmuch as it hath been duly proved before me, that *A. B.* of *Sc.* hath assised, *Sc.* (as in the Warrant last

last but one.) And forasmuch as the said *A. B.* hath once before offended in the like kind. These are therefore in his Majesties Name, to require you the said Constables, &c. and every of you, that you, some, or one of you, do convey the said *A. B.* to his Majesties Gaol aforesaid, and him there safely deliver to the aforesaid Keeper of the same, together with this Precept, requiring also you the said Keeper, to receive him into the said Gaol, and him there safely keep, by the space of two Months, without Bail or Mainprize, or until he shall pay to the Sheriff of the County aforesaid, the sum of five pounds, for the use of his Majesty, or until he shall, by the Lord Treasurer, Chancellor or under-Treasurer, or Court of the Exchequer, be thence discharged. **Hereof fail you not at your Perils. Given under my Hand and Seal, the, &c.**

Against one for killing of Deer, &c.

Devon. ss. To the Constable, &c. of the Hundred of A. in the said County, and to every of them.

Forasmuch as it hath been duly proved before me, that *A. B.* of &c. hath unlawfully killed one Fallow-Deer, in the Park of *C. D.* of, &c. against the form of the Statute in that case made and provided. These are therefore in his Majesties name, to will and require you, and every of you, that you, some, or one of you, do levy, by way of Distress, upon the Goods and Chattles of the said *A. B.* the sum of twenty Pounds, by him forfeited for the offence aforesaid, the one Moiety thereof to *C. D.* who informed of the said offence, the other Moiety to the use of *E. F.* Owner of the Deer aforesaid: And in case of want of sufficient Distress, that you certifie me thereof forthwith. Given under my Hand and Seal, the, &c.

A

A Writimus to the Gaol for want of Distress.

Devon. ff. To the Constables, &c. and to the Keeper of his Majesties Gaol, &c.

WHereas by my Warrant, you the said Constable, &c. were lately required to levy by way of Distress, upon sale of the Goods and Chattles of *A. B.* the sum of Twenty Pounds, by him forfeited for an offence lately committed, against the form of the Statute made in the 13th. year of his late Majesties Raigh, Intituled, An Act to prevent the unlawful Courting, Hunting, or Killing of Deer, and you the said Constable, have returned unto me thereupon, that the said *A. B.* hath not sufficient Distress to be taken for the Monies aforesaid. These are therefore in his Majesties name, to will and require you the said Constable, &c. and every of you, that you, some, or one of you, do take the said *A. B.* and him safely convey to the Gaol aforesaid, and deliver him to the aforesaid Keeper of the same (together with this Precept) requiring also you the said Keeper, to receive him into the said Gaol, and him there safely keep for the space of one whole year, without Bail or Mainprize. And further, till he hath given sufficient sureties for his good behaviour, for a whole year next ensuing after his enlargement. Hereof fail you not at your perils. Given, &c.

Another Writimus to the House of Correction, for killing Deer.

To the Constable, &c. and to the Keeper of the House of Correction, &c.

Whereas &c. (as in the foregoing *Writimus* until)
These are therefore in his Majesties name, to will and require you the said Constable, &c. that you, some, or one of you, do take the said *A. B.* and him safely convey to the aforesaid House of Correction, and deliver him to the Keeper of the same, together with this Precept, requiring also you the said Keeper, to receive him into the said House, and there detain and put him to hard labour for six Months. Hereof fail you not at your Perils. Given, &c.

For Drunkenness : The first Conviction.

Devon. ff. To the Constables of the Hundred of A. and to the Church-wardens of the Parish of B. in the said County.

Forasmuch as it hath been this present day duly proved before me, that *A. B.* of the Parish of *C.* in the said County, Labourer, was, on the first day of *March*, drunk, in the Parish of *B.* aforesaid, contrary to the form of the Statute in that case made and provided.

ded. These are therefore in his Majesties name, to command you, that you the said Constable or Church-wardens, do require the said *A. B.* to pay for the said offence, to the Hands of you the said Church-wardens, to be by you accounted for, to the use of the Poor of the same Parish, Five Shillings, of lawful Money of *England*, within one week now next ensuing, and if the said *A. B.* shall refuse or neglect to pay the same as aforesaid, that then you the said Constable or Church-wardens, do levy to the use aforesaid, the said Five Shillings, of the Goods of the said *A. B.* by Distress and Sale of the same, rendring unto him the overplus of the Money remaining of the said Sale. And if the said *A. B.* be not able to pay the said sum of Five Shillings, that then you the said Constable do set him in the Stocks, there to remain by the space of six hours. Hereof fail not at your Perils. Given under my Hand and Seal, &c.

For Drunkenness, The Second Conviction.

Devon. ff. To the Constables, &c. of the Hundred of A. and to every of them, and to the Keeper of his Majesties Gaol for the said County, at C. in the County aforesaid.

FOrasmuch as it hath been this present day, duly proved before me, that *A. B.* of the Parish of *C.* in the said County Labourer, was, upon the third day of &c. drunk in the Parish of *C.* aforesaid, contrary to the form of the Statute in that case made and provided. And forasmuch as the said *A. B.* hath been once before Convicted, of the said offence of Drunkenness. These are therefore in his Majesties name, to command you the said Constable,

Constables, &c. that you, some, or one of you, do cause the said A. B. to come before me, or some other of his Majesties Justice of the Peace of the said County, to be bound with two sureties, to his said Majesty, in one Recognizance or obligation of ten Pounds, with Condition, to be from thenceforth of good behaviour, according to the form of the Statute in that case made and provided, which if he shall refuse to do, that then you do him safely convey to the Gaol aforesaid, and deliver him there to the said Keeper of the same, together with this Precept, commanding you also the said Keeper, to receive him into your said Gaol, and him there safely keep, until he shall be bound with two sureties, as aforesaid. Hereof fail you not at your Perils. Given under my Hand and Seal, &c.

The like for the third Conviction.

A Distringas.

JACOBUS Secundus, Dei gratia, Angliæ, Scotiæ, Franciæ et Hiberniæ Rex, Fidei Defensor &c. vic' Com' Devon. Salutem Præcipimus tibi quod non omittas propter aliquam libertat' in balliva tua, quin eam ingrediaris, & distringas A. B. de &c. in com' tuo, Teoman, per omnia terras et tenementa, &c. et quod de exitibus cor' nobis respondeas, &c. Et quod habeas corpus ejus coram, &c. Just. &c. ad respond' &c. Teste, &c.

Exigent.

JACOBUS, &c. vic' &c. Salur' præcipimus tibi quod Exigi fac' A. B. de C. in Com' tuo Teoman, quousque secundum legem et consuetudinem regni nostri Angliæ utlegetur, si non comparuerit, et si compar' tunc eum Capias, et salvo custod' fac'.

fac' ita quod habeas corpus ejus coram D. E. & F. G. duobus
 Just' ad pacem nostram conservand' nec non ad diversa Felon'
 Transgr' et alia malefacta in eodem Com' tuo perpetrata au-
 diend' & terminand' assign. apud L. in Com' tuo 13 die Martii
 prox' futur' ad respond' nobis de diversis Transgr' contemp' et
 offensis, de quibus ipse indistat' existit Et habeas ibi tunc
 hoc breve. Teste &c. 4 die Martii anno regni nostri primo,
 &c.

**A Warrant to Summon those who re-
 fuse to pay their Excise.**

Devon. ff. To the Constables, &c.

VV Hereas Complaint hath been made unto us
 this present day, that *A. B.* of, &c. sworn
 Officers to the Commissioners of Excise of Ale and
 Beer, of the said County, that *E. F.* of *G.* in the said
 County Victualler, hath brewed and put to Sale, certain
 Barrels of Strong Beer, since the first day of *March* last
 past, without paying the duty of Excise, in Compound-
 ing with the Commissioners for this division, contrary
 to an Act of Parliament in that behalf made. There
 are therefore in his Majesties name, to require you, some,
 or one of you, that you, some, or one of you, do cause
 the said *E. F.* to be and appear before us (*tale die et lo-
 co*) to shew cause, why he the said *E. F.* should not pay
 the duty of Excise as aforesaid. Hereof fail not, &c.

**A Warrant to levy the Double Value of
the Excise, not paid according to
the entry made.**

Devon. ff. To the Constable, &c.

FORASMUCH as complaint hath been made unto us, whose names are hereunder subscribed, his Majesties Justices of the Peace of the County aforesaid. That *A. B.* of &c. hath not paid or cleared off his duty of Excise, unto such Persons, as by the Statute in that behalf made, is appointed, according to the entry of the said *A. B.* in that behalf made, as by the Statute aforesaid is directed, and upon examination of the Complaint aforesaid, we do find the same to be true. These are therefore in his Majesties name, to require you, and every of you, that you, some, or one of you, do levy, upon the Goods and Chattles of the said *A. B.* the sum of twenty Shillings, being the double value of the duty, so not paid and cleared off, and by him forfeited, according to the form of the said Statute, and to sell the Goods and Chattles (if they shall not be redeemed within fourteen days) and that you pay the Money so levied to such Person or Persons, as by the said Statute is directed, rendering to the said *A. B.* the overplus (if any be) and for want of such sufficient Distress, that you do certifie us thereof; to the end we may further proceed, touching the same (as by the Law is appointed.) Hereof fail you not at your Perils. Given, &c.

To

**To Levy the Forfeiture, not making a
due Entry.**

*Devon. ff. To the Constable, &c. of the
Hundred of A. and to every of them.*

FOrasmuch as complaint hath been made unto us, whose names are hereunder Subscribed, his Majesties Justices of the Peace, of the County aforesaid, that *A. B.* of &c. hath not made such due and particular entry of his Ale and Beer, as by the Statute in that case is required, and upon examination of the complaint aforesaid, we do find the same to be true. These are therefore in his Majesties name, to will and require you, and every of you, that you, some, or one of you, do levy upon the Goods and Chattles of the said *A. B.* the sum of Five Pounds by him forfeited for his offence aforesaid, according to the form of the Statute in that case made and provided, and to sell the said Goods and Chattles, if they shall not be redeemed within fourteen days, and that you pay the Moneys so levied to such Person or Persons, as by the said Commissioners is appointed, rendring to the said *A. B.* the overplus, if any be; and for want of sufficient Distress, that you do forthwith certifie us thereof, to the end we may further proceed, touching the same, as by the Law is appointed. Hereof fail not at your Perils, Given, &c.

Against

Against one that bindeth a Gager to
Gage or take an account of his Beer,
&c.

Devon. ff. *To the Constable, &c.*

FORasmuch as Complaint hath been made unto us, whose names are hereunder subscribed, his Majesties Justices of the Peate of the said County, that *A. B.* of *Sc.* hath contrary to the Statute, in that case made, refused to permit *C. D.* a Gager, appointed according to the Statute aforesaid to enter into his Brew-house, to Gage or take an account of his Beer and Ale. And having by the said Gager been thereupon forbidden, to sell or carry out, or deliver to any of his Customers, any Beer or Ale; yet notwithstanding the said *A. B.* after such warning given, hath carried out thirty Barrells of Beer and Ale, not having paid or cleared the duty of Excise, and upon examination of the said Complaint, we do find the same to be true. These are therefore in his Majesties name, to will and require you, that you, some, or one of you, do levy, upon the Goods and Chattles of the said *A. B.* the sum of Five Pounds, for his offence aforesaid, according to the form of the said Statute, and to sell the said Goods and Chattles, if they shall not be redeemed within fourteen days, and that you pay the Monies so levied, to such Person or Persons, as by the said Commissioners is directed, rendring to the aforesaid *A. B.* the overplus (if any be) and for want of sufficient distress, that you do forthwith certifie us thereof. To the end we may further proceed, touching the same, as by law is appointed. Hereof fail not at your Perils, Given, &c.

G g

Against

Against a Brewer that maketh a false
Entry.

Devon. ff. To, &c.

FORASMUCH as by the Statute in that behalf made. It is Enacted, that all common Brewers, and makers of Beer or Ale (not selling the same by retail, and for and in consideration of waft, by filling and Leeking of their Beer and Ale, shall be allowed out of their returns made by the Gagers, upon every Twenty three Barrels of Beer (whether strong or small) returned by the said Gagers, three Barrels, and upon every twenty two Barrels of Ale, whether strong or small, returned by the Gagers, two Barrels. And forasmuch as *A. B.* of &c. in the said County, common Brewer, hath this present day been duly Convicted before us, that he hath wittingly and willingly, made a false entry of five Barrels of Beer, by him lately Brewed, contrary to the form of the Statute aforesaid. We do therefore adjudge, that the said *A. B.* shall forfeit and lose for his offence aforesaid, over and besides the penalties in the said Act mentioned, the said allowances so to be made for six months now next ensuing, Given, &c.

**A Warrant against one that hath made
a false entry, to appear, &c.**

To A. B. of &c. in the said County.

Forasmuch as Complaint hath been made unto us, that you the said *A. B.* hath made a false entry of Ale and Beer, lately Brewed by you, contrary to the form of the Statute in that case made and provided. These are therefore to require you to appear before us, at the House of *C. D.* in *E.* in the County aforesaid, upon the sixteenth day of *September* next ensuing, by ten of the Clock in the Forenoon of the same day; to answer the Premises. Hereof fail not at your Perils. Given, &c.

A Mittimus for want of Distress.

*Devon. ff. To the Constable, &c. and to
the Keeper, &c.*

Whereas, by Warrant under our Hands, you the said Constable, &c. were required to levy, of the Goods and Chattles of *A. B.* of &c. the sum of, &c. by him forfeited, according to the form of the Statute, intituled, A grant of certain impositions upon Beer, Ale, and other Liquors, for the encrease of his Majesties Revenues, during his life : And you the said Constable have this day certified us, that the said *A. B.* hath not sufficient Distress, whereby the said sum of, &c. can be levied. These are therefore in his Majesties name, to will and require you, and every of you, that you, some, or one

of you, do take the said A. B. and him safely convey to the Gaol aforesaid, and there deliver him to the Keeper of the same, together with this Precept; requiring also you the said Keeper, to receive him into the said Gaol, and him there in Prison to keep, till satisfaction be made of the said sum of, &c. Hereof fail you not at your Perils. Given under our Hands and Seals at &c.

Forcible Entry.

Memorandum quod tertio die mensis Marcii Anno Regni Dom. nostri Jacobi, &c. questus est mihi Thome Putt, uni Justiciar. dicti Domini Regis ad pacem in dicto Comitatu conservand' assignat. quidam A. B. de dicto Comitatu Yeoman, quod C. D. & nonnulli alii Pacis dicti Dom. Regis perturbatores ignoti, in domum mansionalem suam A. B. præd. manu forti ingressi sunt, & ipsum A. B. discesserunt, ac eandem manu forti & armata potentia adhuc non, ac proinde petiit a me sibi in hac parte remedium apponi, qua quidem querimonia & petitione audita ego præfatus Tho. Putt immediate ad dictam domum mansionalem personarum accessi, ac in eadem domo adtunc inveni præfatum C. D. & quosdam F. G. H. I. domum illam vi & armis, manu fortiter armata potentia (viz arcubus et sagittis, gladiis, pugionibus, galeis et loriceis) tenentes contra formam Statuti in Parlamento Domini Richardi nuper Regis Angliæ secundi, anno regni sui decimo quinto tento, provisi et contra formam diversorum aliorum Statut. Ac propterea ego præfatus Tho. Putt præd. &c. adtunc et ibidem arrestavi, proximæque Gaule dicti Dom. Regis apud Castrum de E. in dicto Comitatu loci feci, ut de dicta manu forti & detentione per visum et recordum meum convictos, ibidem muratur' quousque finem dicti Dom. Regi pro transgress. suis prædictis fecerint dat apud F. præd. sub sigillo meo, die et anno supradictis.

**The Form of the Writimus to the Gaol,
of such as hold Lands by force.**

William Bragg Esquire, one of the Justices of the peace of our sovereign Lord the Kings Majesty, within his said County of Devon, to the Keeper of his Majesties Gaol at, &c. in the said County, or to his Deputy or Deputies there, and to every of them Greeting: Whereas upon complaint made unto me this present day by A. B. in the said County Yeoman: I went immediately to the dwelling house of the said A. B. aforesaid, and there found C. D. E. F. G. H. I. K. aforesaid Labourers, forcibly and with strong Hands and Armed Power, holding the said house, against the peace of our Sovereign Lord, and against the form of the Act of Parliament thereof made, in the fifteenth year of the late King Charles the Second: Therefore I send you, by the Writings hereof, the said A. B. E. F. G. H. &c. convicted of the said forcible holding by my own View, Testimony and Record; commanding you in his Majesties Name, to receive them into your said Gaol, and there to keep them, until such time as they shall make their Fines to our said Sovereign Lord, for their said Trespases, and shall be thence delivered by the order of the Law of the Land. Hereof fail you not, upon the Peril that may follow thereof. Given at F. aforesaid, under my Hand and Seal, the day and year abovesaid.

**The Form of a Precept, to the Sheriff,
to return a Jury for an enquiry.**

Thomas Putt Baronettus, unus Justiciar' Domini Regis ad pacem in Com. Devon. conservand. assign. vicecomiti ejusdem Comitatus salutem. Ex parte dist. Dom. Regis
G g 3 tibi

tribi mando et præcipio, quod venire facias coram me apud F. in com. præd. vicesimo die Octob. proxime futur' 24 probos sufficientes, et legales homines de vicineto de P. in com. præd. quorum quilibet habeat 40 solid' terrar' et tenementorum vel reddit' per unum ad minus ultra repositus, ad inquirend. sup. Sacrament' suum pro dicta Domino Rege de quodam ingressu manu forti facto in mesuag. cujusdam A. B. apud C. præd. contra formam Stat. in Parliam. Dom. Henric. nuper Regis Angliæ Sexti, anno regni sui octavo teno, editi, ut dicitur. Et videas quod supra quemlibet Furatorem per te in hac parte impanellandorum viginti solidos de exiribus ad præfat. diem retournes. Et hoc nullatenus omitas sub pena viginti librarum, quam noveris te incursum si in executione præmissor. tepidus aut remissus fueris: Et habes ibi tunc hoc Præceptum. Teste me præfat. Thoma Putt decimo die Martii, anno regni Domini nostri Jacobi secund. Dei gratia, Angliæ, Scotiæ, Franciæ & Hiberniæ Regis, Fidei Defensor. &c.

The Form of the Enquiry, Presentment, and Verdict of the Jury.

Inquisitio pro Domina Rege capt. apud B. in com. præd. secundo die Martii, anno regni Domini nostri Jacobi Secundi Dei gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Regis, Fidei defensor' &c. per sacramentum A. B. C. D. E. F. G. H. &c. coram Thoma Putt uno Justiciar. dicti Domini Regis ad pacem in dicto Comit. conservand' nec non ad diversa Felonias, Transgress. et alia malefacta in eodem Com. perpetrata audiend. et terminand. assign. Qui dicunt super Sacrament. suum præd. quod A. B. præd. Trovan, diu legitime et pacifice Seisitus fuit in dominico suo ut de feodo de et in uno mesuagio, &c. cum pertinentiis in C. præd. et possessionem ac seisinam suam prædict' sic continuavit, quousque I. S. de, &c. et alii Malefactores ignoti, tali die &c. ultimo elapso, (vi et armis, viz. cum baculis, gladiis, arcibus et sagittis, cultellis, falcastris, lapid. et allis armis defensivis et invasivis) in mesuagium præd. &c. intraverunt, ac ipsum A. B. sic disseisum et expulsum ab eodem mesuagio, &c. a præd.

præd. tale die, &c. usque ad diem captionis hujus inquisitionis, cum hujusmodi fortitudine et potentia armata extratenerunt, et adhuc extratinent, in magnam pacis dicti Dom. Regis perturbationem, ac contra formam Statuti in Parliam. Dom. Henric. nuper Regis Angliæ sexti, anno regni sui octavo tento, in tali casu editi et provisi: Vbi nullus eorum, nec aliquis alius, cujus statum ipsi aut aliquis eorum habuerunt, aut habuit, aliquid in eodem mesuagio, &c. aut in aliqua inde parcella habuerunt, aut habuit, infra tres annos proxime ante ingressum suum prædictum, neque alio tempore præcedente, ad notitiam Furator præd.

A Warrant to the Sheriff to make Restitution.

Johan. Drake Bar. unus Just. &c. assign. vic' ejusd' com' salut' cum per quandam Inquisition' patriæ coram me apud E. in com. præd. tale die Mensis, &c. super Sacrament' A. B. C. D. E. F. G. H. &c. ac per formam stat. de ingressibus manusforti factis in tali casu provis. Compertum fuit quod I. S. & I. D. primo die Mensis &c. in quoddam mesuagio, &c. A. B. præd' vi et armis ingressi sunt, ac ipsum A. B. inde tunc manusforti disseisiverunt et expuler' A. et præd. sic expulsus a præd. Mesuagio, &c. a præd. primo die Mensis &c. usque ad diem captionis Inquisition' præd. manusforti et cum potentia extra venuerunt, prout per Inquisition' præd. plenius liquet de recordo. Ideo ex parte dicti Dom. Regis tibi mando et præcipio, quod (ad hoc debite requisitus) una cum posse comitatus tui (si necesse fuerit) accedas ad mesuagio. et cætera præmissa, ac eadem cum pertin' reseisir. facias, et præf. A. B. ad et in plenam possessionem suam inde, prout ipse ante ingressum præd. fuerat seisir. restitui et mitti facias, juxta formam dicti Stat. et hoc nullatenus omittas sub periculo incumbente. Teste me præf. Johan. Drake, &c.

A Writings of a Felon before his Examination.

A. B. **T**O the Keeper of the Kings Majesties Gaol, at &c. the Castle of *Exon*, or to his Deputy there, Greeting. These are in his Majesties name, to charge and comand you, that you receive into your said Gaol, the body of *A. B.* late of, &c. taken by *C. D.* and *E. F.* Constables of the Town of, &c. by them brought before me for suspicion of Felony, &c. and that you safely keep the said *A. B.* in your said Gaol, until the next general Gaol delivery for the said County (if he be notailable, or if he beailable, then thus) until he shall be thence delivered by due order of his Majesties Laws. And hereof fail you not, &c.

A Writings of a Felon after his Examination.

THomas First Baronet, one of the Justices, &c. to the Keeper of his Majesties Gaol at &c. in the said County, &c. Greeting. I send you herewithal the body of *A. B.* late of *C.* Labourer, brought before me this present day, and charged with the felonious taking of Twenty Sheep (which also he hath confessed upon his examination before me) and therefore these are (on the behalf of our said Sovereign Lord) to command you, that immediately you receive the said *A. B.* and him safely keep in your said Gaol, until that he shall be thence delivered, by the due order of his Majesties Laws. Hereof fail you not, as you will answer for your contempt at your Peril, Given at *D.* the third day of *March*, in the first year of the Reign of our said Sovereign Lord
James

James, by the Grace of God, King of England, Scotland, France and Ireland, Defender of the Faith, &c.

A Hue and Cry.

VWhereas complaint hath been made unto me *William Bragge* Esquire, one of his Majesties Justices of the Peace, within the County of *Devon*, by *T. Cogan* of *T.* Husbandman, that upon Monday at night last (being the Tenth day of this Instant *April*) he was robbed of certain Linnen taken out of his House, with some other things, and that he hath manifest cause of suspicion of one *C. D.* a lewd Rogue (here describe his personage and apparel.) These are to require you, and every of you, to make search within your several Præcincts for the said *C. D.* and also to make Hue and Cry after him from Town to Town, and from County to County, and that as well by Horsemen as Footmen. And if you shall find him the said *C. D.* that then you carry him before some one Justice of the Peace, within the County where he shall be taken, by him to be dealt with according to Law, &c.

Indenture for an Apprentisee.

THis Indenture made the third day of *March*. &c. witnesseth, that *A. B.* and *C. D.* Overseers for the Poor in the Town of *Ax.* in the County of *B.* and *E. G.* and *H. I.* Churchwardens of the same Town, by, and with the consent of *K. L.* and *M. N.* Esquires, two of his Majesties Justices of the Peace for the County of *B.* have by these Presents, put, placed and bound *O. R.* (being a poor Fatherless and motherless Child) as Apprentise with *Q. R.* of *S.* aforelaid, *Tanner*, &c. and as an Apprentise with him to dwell, from the day of the date of these

these presents, until the said *O. P.* shall come to be of the age of Twenty four years (if it be a Woman, then until her age of Twenty one years, or the time of her Marriage) according to the Statute in that behalf provided. By and during all which time and term the said *O. P.* shall the said *Q. R.* his Master, well and faithfully serve in all such lawful business as the said *O. P.* shall be put unto, according to his Power, wit and ability, and honestly and obediently in all things shall behave himself towards his said Master, his Wife and Children, and orderly and honestly towards all the rest of the Family of the said *Q. R.* And the said *Q. R.* for his part promiseth, &c. the said *O. P.* in the Craft, Mystery and Occupation the which he useth, after the best manner that he can or may, to teach and instruct, or cause to be taught and instructed, as much as thereunto belongeth, or in any ways appertaineth: And also during all the said term, to find unto the said Apprentice, Meat, Drink, Linnen, Woollen, Hose and Shooes, and other things needful or meet, for an Apprentice, &c. In witness whereof, &c.

Liberate to Deliver a Felon.

W. B. and E. P. Esquires, two of the Justices &c. to the Keeper of his Majesties Gaol of, &c. Greeting.

FOrasmuch as *A. B. &c.* Labourer, hath, before us, found sufficient Mainprise to appear before the Justices of Gaol delivery, at the next general Gaol-delivery, to be holden in the said County, there to answer to such things as shall be then on the behalf of our Sovereign Lord the King, objected against him, and namely to the Felonious taking of two Sheep, (for the suspicion whereof he was taken and committed to your said Gaol) we command you, on the behalf of
our

our Sovereign Lord the King, that if the said A. B. do remain in your said Gaol, for the said cause, and for none other, then you forbear to grieve or to detain him any longer, but that you deliver him thence, and suffer him to go at large, and that upon the pain will fall thereon. Given under our Seals, this, &c.

Warrant. ad liberand. Servientem extra Gaolam.

Thomas Putt Ar, unus Just. &c. Custodi Gaola dicti Dom. Regis in com' præd' salut. Quia A. B. de &c. Carpenter, coram me invenit suffic' securitat' essendi coram Just. dicti Dom. Regis ad pacem in com. præd. conservand. &c. ad prox. general' Session' Pacis in com. præd. tenend. ad respond' tam dicto Dom. Regi quam C. D. de &c. de transgr. & contemptu suis contra formam Stat. de servientibus nuper edit' & provis. Ideo tibi ex parte dicti Dom. Regis mando; quod præd. A. B. a prisona tua, si ea occasione, & non alia, ibid' detineatur, sine dilatione delibari fac. Dat. &c.

A single Recognizance taken before a Justice of the Peace.

Memorandum quod primo die Martii anno Regni Dom. nostri Jaco. secund. Dei gratia Angliæ, Scotiæ, Franc. & Hiberniæ Regis Fidei Defensoris, &c. prim. venerunt coram A. B. & C. D. Armig. Just. dicti Dom. Regis ad pacem in com. E. conservand. assign F. G. de H. in com. præd. Taylor, & I. K. de eadem Yeoman, ac L. M. de N. in com. præd. Barber, & recognover' se debere dicti Dom. Regi, viz. quilibet Manuceptor præd. quinque libras et F. G. decem libras bonæ & legalis monete Angliæ (solvend. eidem Dom. Regi in festo Puri-

Purificationis Beatae Mariae Virginis proximo futuro post datum praesent') & nisi fecerint, concesserunt pro se, Hared. Executor. & Administrat. suis per presentes, quod dictae separatales summae leventur & recuperentur de maneriis, mesuagiis, terris, tenementis, bonis Catallis & hereditamentis ipsorum F. G. J. C. & L. M. Hared. Executor. & Assign. suorum, ubicunque fuerint invent. Dat. &c.

A Recognizance for the Peace.

Memorandum quod primo die Martii anno regni Dom. nostri Jacobi Dei gratia, &c. A. B. de C. in com' praed. Tanner, in propria Persona sua venit coram me E. F. Armig. uno Just. dicti Dom. Regis ad pacem in dicto com. conservand. assign. & assumpsit pro seipso sub pena 200 lib. G. H. de J. in com. praed. Teoman, & K. L. de &c. M. N. de &c. Clothiers, tunc & ibid' in propriis personis suis similiter venerunt, & manuceper. pro praed. A. B. viz. quilibet eorum separatim sub pena 100 lib. quod idem A. B. personaliter comparebit coram Just. dicti Dom. Regis ad pacem, ad prox. general. Sessionem Pacis in com. praed. tenend. ad faciend. & recipiend. quod ei per curiam tunc & ibid' injungetur. Et quod ipse interim pacem dicti Dom. Regis custodiat erga ipsum Dom. Regem, & cunctum populum suum, & praecipue versus K. L. de O. praed. Clothier, & quod damnum vel malum aliquod corporale aut gravamen praefato K. L. aut alicui de populo dicti Dom. Regis, quod in lesionem aut perturbationem Pacis ipsius Dom. Regis seu praefati C. cedere valeat quovismodo, non faciet, nec fieri procurabit. Quam quidem summam ducent' librar' praed. A. B. & quilibet Manucaptor. praed. separales summas centum libr. recognovere se debere dicti Dom. Regi, de terris & tenementis, bonis, & catallis suis quorumlibet & cujuslibet eorum, ad opus dicti Dom. Regis Hared. & Successor. suorum, fieri & levari (ad quorumcunque manus devenerint) si contigerit ipsum A. B. praemissa, vel eor' aliquod, in aliquo infringere, & inde legitimo modo convinci. In cujus rei Testimonium ego praed. E. F. sigillum meum apposui. Dat. apud, &c.

A Recognizance for the good Behavi- our.

Memorandum quod tertio die mensis Martii anno regni Jacobi, &c. A. B. de &c. C. D. & E. F. de eadem, &c. in propriis personis suis vener' coram nobis G. H. & I. K. Armig. Just. dicti Dom. Regis, &c. & præd. C. D. & E. F. manuceper' pro præfato A. B. adtunc assumpsit, pro seipso, quod idem A. B. personaliter comparebit coram Just. dicti Dom. Regis ad Pacem, &c. ad proximum generalem sessionem, &c. & quod ipse interim se bene geret erga Dom. Regem, & cunctum Populum suum, & præcipue erga I. K. de &c. scil. quod ipse non inferet, nec inferri procurabit, per se nec per alios, dampnum aliquod seu gravamen præfato I. K. seu alicui de populo ipsius Dom. Regis de corporibus suis per insidias, insultus, seu aliquo alio modo, quod in lationem seu perturbationem Pacis dicti Dom. Regis cedere valeat quovismodo viz. uterque præd. C. D. & E. F. sub pena centum librarum, & præd. A. B. sub pena ducent' librar. Quos quidem separales summas cent' librar' uterque præd. C. D. & E. F. (ut prædicitur) per se, ac præd. A. B. præd. summam ducent' librar' recognoverunt se debere dicto Dom. Regi, de terris & tenem' bonis & catallis suis, & quorumlibet ac cujuslibet eorum, ad opus ipsius dicti Dom. Regis fieri & levari, si contingat præfat' A. B. in aliquo præmissor' deficere, & inde legitimo modo convinci. Dat. &c.

A Recognizance to give in Evidence a- gainst a Prisoner.

Memorand. quod decimo die Martii, anno regni Dom' nostri Jacobi secund. Dei gratia, Angliæ, Scotiæ, Franciæ, & Hiberniæ Regis, Fidei defensoris &c. primo, &c. A. B. de C. in Com.

Com. Præd. Teoman, venit coram me D. E. Armig. uno Just. dict. Dom. Reg. ad Pacem in com. præd. conservand' assignat. et cognovit se debere dict. Dom. Regi quinque libras legalis moneta Angliæ, sub conditione, quod si ipse personaliter comparebit coram Just. dict. Dom. Regis ad proximam generalem Gaolæ delib. in com. præd. tenend. adtunc & ibidem ostendendum in Evidenc. secundum formam Stat. vers. F. G. nuper de C. in com. præd. qui modo attach. & suspect. Felonia Gaolæ dicti Domini Regis com. præd. commissus existit. quod tunc, &c. alioquin, &c.

The Form of the Record of a Riot viewed by the Justices, &c.

Memorandum quod vicesimo die Martii, anno regni Dom. nostri Jacobi secundi Dei gratia, &c. nos A. B. Arm. & C. D. Armiger duo Just. dict. Dom. Regis ad Pacem in com. præd. &c. assign. & E. F. Miles adtunc vic. ejusd. com. ad gravem querimoniam & humilem petition' G. H. de I. in dicto com. Teoman in propriis personis nostris accessimus ad domum mansional. ipsius G. H. de I. præd. & adtunc & ibid. invenimus K. L. de M. præd. Laborer, ac alios malefactores, pacis dict. Dom. Regis perturbatores ignotos (ad numerum decem person.) modo guerrino arraiatos, viz. gladiis, pugionibus, galeis, liricis, arcubus, & sagittis, illicite & riotose aggregatos, ad eandem domum obsidender, multa mala in ipsum G. H. cominantes, in magnam pacis dict. Dom. Regis perturbationem, ac Populi sui terrorem, & contra formam Stat. in Parl. Dom. Hen. nuper Regis Angliæ quarti, anno regni sui decimo tertio tenr. editi & provisi. Ac propterea nos præfat. A. B. & C. D. præd. K. L. tunc & ibid. arrestari, ac prox. Gaolæ dict. Dom. Regis in com. præd. duci, fecimus, pervisum & recordum nostrum de illicita Congregatione & Rioto præd. cor' vißos ibid. moratur' quousque finem dict. Dom. Regi proinde fecerint. In cujus rei Testimonium huic præfenti Recordo nostro sigilla nostra apposuimus. Dat. apud A. præd. die & anno primo supradictis.

The

The Mittimus for conveying the Rioters to the Gaol, may (with some few words of change) be made out of that which is here before, for such as hold by force. Observe for this the Precedents in forcible entry.

The Precept (to the Sheriff) to return a Jury for an Enquiry upon a Riot.

Thomas Putt Armiger et Johannes Drake Armiger duo
Just. &c. assign. Vic. ejusd. com. salut. Ex parte dicti Dom. Regis tibi precipimus, quod venire facias coram nobis apud A. in com. præd. tertio die Martii prox. futur. 24 probos, suffic. et legales homines, de com. præd. Teoman quorum quilibet habeat terras et tenementa infra dict. com. liber. tenementi per Chartam ad annum valorem viginti solid. aut per copiam Rot' ad annum valorem viginti sex solid' et octo denar. aut per utramque, ultra omnes repressas, ad inquirend. pro dicto Dom. Rege, ac pro indemnitate nostra in hac parte super Sacrament. suum, de quibusdam illiis aggregationibus et Riotis apud A. in com. præd. nuper commissis, ut dicitur et hoc nullatenus omittas sub pana viginti librar. quam incursumus es, si in Executione præmiss. defeceris. Et habeas ibi tunc nomina Jurat. præd. et hoc præcept. dat. sub sigillis nostris tertio die Martii anno regni dict. Dom. nostri Jacobi, &c.

The

The Form of the Enquiry, Indictment by Presentment of the Jury.

Inquisitio pro dom. Rege, &c. (as before in Forcible Entry) coram Thoma Putt mil. et Johanne Drake mil. duobus Just. &c. qui ad hoc jurati et onerati dicunt super sacrament. suum præd. quod A. B. C. D. et E. F. de G. in com. præd. Labourers, simul cum aliis malefactoribus et pacis dicti Com. Regis perturbatoribus ignotis (ad numerum septem Person.) modo guerrino arraiati, vi et armis, viz. bombardis, gladiis, arcibus et sagittis, quarto die mensis Martii ult. præterito, apud H. in com. præd. inter horas octavam et nonam post meridiem ejusdem diei, domum mansionalem I. K. de L. præd. Teoman, situat in M. præd. rixose fruger. et intrav. et in ipsum I. K. tunc et ibid insultum fecerunt, ac ipsum tunc et ibid verberaverunt, in magnam Pacis dicti Dom. Regis perturbationem et Populi terrorem, ac contra formam Stat. de Rixis, Routis, et Congregat. gentium illicitis, in Parl. Dom. Hen. nuper Reg. Angl. quarti, anno regni suo decimo tertio texto, provisum et editi.

The

The Certificate (which ought to be made to the King and the Council, in such case, if by this enquiry the truth of the fault and Riot be not found) such Certificate may be done in English by way of a Letter, Comprehending the truth of the whole matter, with the certainty of the time, place, and other Circumstances, of the Fact or Riot, together with the certainty of the Names of the Rioters; as also of the Names of such, who by maintenance, embracery, or otherwise, were any impediment to the finding thereof, with their several misdemeanours; which Certificate or Letter is to be directed and sent, by the said Justices of Peace and Sheriff, or under Sheriff, into the Kings-bench, &c. within one Month, See Antea tit. Riot.

A Traverse to an Indictment of a Riot, and the Record thereupon.

A Lias, scil. ad Sessionem Pacis tentam apud Castrum
 " Exon. in com. præd. die Martis prox. ante Fe-
 " stum S. Mathæi Apostoli; anno regni Dom. no-
 " stri Jacobi secundi Dei gratia, Anglia, Scotia, Franciæ
 " & Hiberniæ Regis, Fidei Defensoris &c. 12 coram A. B.
 " C. D. & aliis sociis suis Justiciar. dict. Dom. Regis ad
 " Pacem in comitat. præd. conservand. nec non ad di-
 " vers. Felon. Transgr. at alia malefacta in eodem com-
 " perpetrata audiend. & terminand. assign. per sacramen-
 H h " tum

"tum duodecim Jurator' extitit presentatum, quod *E. F.*
 "de &c. *G. H.* de &c. & *I. K.* de &c. cum diversis aliis
 "ignotis malefact. & Pacis dict. Dom. Regis perturba-
 "tor. modo guerrino arraiat', uniti & assemblati, secun-
 "do die *Martii* in nocte ejusdem diei, ann. &c. vi & ar-
 "mis, tam invalivis quam defensivis apud *L.* &c. rio-
 "tose fregerunt & intraverunt, & octo plaustra feni
 "ad valent. &c. adtunc & ibid. existen. de bonis & ca-
 "tallis dicti *M.* adtunc & ibid. injuste & illicite ceperunt
 "& asportaver. contra Pacem dicti Dom. Regis, &c. &
 "contra formam Stat. inde editi & provis; per quod
 "præcept. fuit vic. com. præd. quod non omitteret, &c. Po-
 "steaque, scil. præd. die Martis prox. ante Festum *S. Mat-*
 "thæi Apostoli, anno 12 supradicto coram præf. Justic.
 "venerunt præd. *E. F. G. H.* & *I. K.* in propriis perso-
 "nis suis, & habit. audit. indiēt. præd. separal. dicunt
 "quod ipsi non sunt inde culp. & de hoc ponunt se sup.
 "Patriam, & *N. O.* qui pro Dom. Reg. in hac parte seq.
 "similit. &c. Ideo veniat inde jurata coram Just. dict.
 "Dom. Reg. ad Pacem in com. præd. conservand. assign.
 "&c. ad Sessionem Pacis apud *P.* &c. die Martis prox.
 "post *Epiphaniam* Dom. tunc. prox. futur. tenend.
 "& qui, &c. ad recogn. &c. quia tam, &c. Idem dies
 "datus est tam præf. *N. O.* qui sequitur, &c. quam præf.
 "*E. F. G. H.* & *I. K.* ad quas quidem Sessiones tent. a-
 "pud *L.* præd. in com. præd. die, &c. coram dict. *A. B.*
 "*C. D.* & *P. Q.* milit. & sociis suis Just. dict. Dom. Reg.
 "ad Pacem in com. præd. conserv. nec non ad divers.
 "Felon. Transgr. & alia malefacta in eodem com. perpe-
 "trata audiend. & terminand. assignat. venerunt tam
 "præf. *N. O.* qui seq. &c. quam præf. *E. F. G. H.* & *I.*
 "*K.* in propriis personis suis; & Jurator. præd. per vice-
 "com. com. præd. ad hoc impanellati & exacti, viz.
 "*R. S. T. V.* &c. similiter venerunt; qui ad veritatem
 "de præmiss. dicendam triati & jurati, dicunt super sa-
 "cramentum factum, quod præd. *E. F. G. H.* et *J. K.*
 "culpabiles sunt; et eorum quilibet culpabilis est, de
 "Transgress. contemptu & Rioto præd. in Indictamento
 "præd. superius specificatis, modo et forma prout su-
 "perius vers. eo supponitur. ideo confid. est per curiam
 "quod præd. *E. F. G. H.* et *J. K.* capiantur ad satisfac-
 "ciend. dict. Dom. Reg. de finibus suis occasione Trans-
 "gress. Contemptus et Riot. præd. qui quidem *E. F.*
 "*G. H.* et *J. K.* adtunc et ibid. present. in cur. petie-
 runt

"runt se ad finem cum dict. Dom. Rege occasione præd.
 "admitti: Et inde ponunt se separat. in misericord.
 "Dom. Regis. et assessatur finis ejusdem *E. F.* per Just.
 "præd. ad tres lib. sex solid. & octo denar. et finis ejus-
 "dem *G. H.* assessatur ad vigint. solid. et assessatur finis
 "ejusdem *J. K.* ad quinque lib. bonæ & legalis mottetæ
 "*Angliæ*, ad opus & usum dict. Dom. Reg.

The Form of a Superfedeas by a Justice of Peace.

Villiam Bragg Esquire, one of the Justices of the Peace of our Sovereign Lord the Kings Majesty within the County of *Devon.* to the Sheriff, Bailiffs, Constables, and other the faithful Ministers of our Sovereign Lord, within the said County, and to every of them, sendeth Greeting. Forasmuch as *A. B.* of &c. Gardener, hath personally come before me at *A. &c.* and hath found sufficient sureties, that is to say, *D. E.* and *F. G.* Yeomen, either of the which hath undertaken for the said *A. B.* under the pain of twenty pounds, and he the said *A. B.* hath undertaken for himself, under the pain of forty pounds, that he the said *A. B.* shall well and truly keep the Peace, towards our Sovereign Lord, all his Liege People, and especially towards *H. J.* of &c. Yeoman, and also that he shall personally appear before the Justices of the Peace, of our said Sovereign Lord, at the next General Sessions of the Peace, to be holden for this City of *Exon.* Therefore on the behalf of our said Sovereign Lord, I command you and every of you, that you utterly forbear and surcease to arrest, take, imprison, or otherwise by any means (for the said occasion) to molest the said *A. B.* and if you have (for the said occasion) (and none other) taken or imprisoned him, that then you do cause him to be delivered and set at liberty, without further delay. Given at *Exon.* aforesaid, under my Seal, this last day of *March*, &c.

**The form of a Superfedeas Granted upon
a Supplicavit.**

William Bragge Armiger, unus Just. Dom.
 “Reg. nunc ad pacem in com. præd. con-
 “servand. assignat. vicecom. ejusdem com. ac omnibus
 “& singulis Ballivis, Constabular. cæterisque dicti Dom.
 “Regis Ministris, tam infra Libertates quam extra,
 “in com. præd. salutem. sciatis quod breve dicti Dom.
 “Reg. recipi in hac verba *Jacobus (reciting here all the*
Writ Verbatim) “Et quia *A. B. de &c. C. D. de &c. &*
 “præfat. *E. F.* coram me præf. *William Bragge* persona-
 “liter comparuer. & præd. *A. B. & C. D.* manucepor pro
 “dicto *E. F.* qui infra ætatem 21 ann. existit. *viq.* qui
 “libet manucaptor. præd. in vigint. libr. quas recogno-
 “ver. se debere dicti Dom. Regi ac concessi. de terris &
 “tenementis, bonis, & catallis suis, ad opus dicti Dom.
 “Regis levand. *viq.* quod præd. *E. F.* dampnum vel
 “malum aliquod alicui de populo dicti Dom. Regis de
 “corpore suo, vel de incendio domorum suarum non fa-
 “ciet, nec fieri procurabit quovis modo. Ideo ex parte
 “dicti Dom. Reg. vobis & cujuslibet vestrum mando,
 “quod de coarctand. aut attachiand. dictum *E. F.* ad in-
 “veniend. securitatem pacis per ipsum gerend. erga dicti
 “Dom. Reg. & cunctum populum suum, seu aliquem de
 “eodem populo suo, coram vobis, seu aliquo vestr’ in-
 “veniend. superfed. seu superfed. fac omnino, & si ip-
 “sum *E. F.* occasione præd. & non alia ceperitis, seu ca-
 “pi mandaver. & in prisoa ipsius Dom. Regis sub cu-
 “stodia vestra detinueritis, tunc ipsum a prisoa in qua
 “detinetur sine dilatione deliber’ fac’ seu unus vestr’ de-
 “liberari fac. Teste me præfat. *William Bragge*, 2 die
 “*Maritii* anno regni dicti Dom. Reg. &c.

A Superseas de Capias indictatum de Transgressione.

T *Thomas Putt* Armig. unus Just. Dom. Regis nunc ad pacem in com. præd. conservand, nec non ad diver-
 "sa Felon. Transgr. &c. in eodem com. audiend. & ter-
 "minand. assign, vic. com. præd. salutem, quia *A. B. de*
 "C. in com. tuo Tailor, venit coram me, & invenit suf-
 "fic' Manuceptores essendi coram Just. dict. Dom. Reg.
 "ad Pacem in com. præd. conservand, nec non ad di-
 "versa Felon. &c. in dict. com' præd. prox' die te-
 "nend' ad respondend' dict. Dom. Regi de quibusdam
 "transgr. contempt' & offensis, unde indict. existit. Ideo
 "ex parte dicti Dom. Regis tibi præcipio, quod de
 "capiend' præf. *A. B.* seu ipsum imprison' aut eum
 "ex causa aliquo modo molest' omnino superfed. Et si eum
 "ex causa illa, & non alia, ceperis, tunc ipsum sine dilatione
 "deliberari facias. Teste me, &c.

Superseas de Capias pro fine.

V *Illielmus Bragg* Armiger unus Just. Dom. Regis
 "nunc ad pacem in com. præd. conservand. assign.
 "vic. com. præd. salutem. Quia *A. B. de C.* in dicto
 "com. Yeoman, venit coram me, & invenit suffic. Ma-
 "nucapt. essendi ad prox. general. Session. Pacis in com.
 "præd. tenend. ad faciend finem cum dicto Dom. Rege
 "pro quibusdam transgr. contempt. & offensis, unde in-
 "dictatus existit. Ideo tibi præcipio, quod de capiend
 "præf. *A. B.* imprisonand. seu ipsum ea occasione aliqua-
 "liter molestand. omnino superfed. Et habeas ibi tunc
 "hoc præcept. Teste me, &c.

H h 3

Super

Superfedeas de Capias indictat. de Felonia,

"VVillius' Bragge Armig. unus Justic. Dom. Regis
 "nunc ad Pacem in com. præd. conservand. assign.
 "vic. com. præd. nec non omnibus & singulis Ballivis,
 "Constabular. cæterisq; dicti Dom. Regis Ministris, tam
 "infra Libertates quam extra, in dict. com. salutem,
 "Quia A. B. de C. in com. præd. Yeoman, venit coram
 "me, & invenit suffic. secur. essendi coram Just. dicti
 "Dom. Regis ad Pacem in com. præd. conservand. nec
 "non ad diversa Felonias, Transgr. & alia malefacta
 "In eodem com. audiend. & terminand. assign. ad prox.
 "general. Sessionem Pacis in com. præd. ad respond.
 "dicto Dom. Regi de diversis Feloniis & Transgr. unde
 "coram eis indictat. existit. Ideo ex parte dicti Dom.
 "Regis vobis & cujusslibet vestr. mando, quod de capi-
 "end. præd. L. M. ea ex causa superfed. omnino, et si
 "eum ea occasione, et non alia, ceperitis seu impriso-
 "naver. tunc ipsum sine dilatione deliberari faciatis. Dat.
 "Gc.

Superfedeas de Exig' fac' de Felonia.

"JACOBUS, Es. vic. com. Devon. salutem, quia A. B.
 "de C. in com. tuo Yeoman, venit coram E. F. &c.
 "& invenit suffic. Manuceptor. essendi coram custod.
 "pacis nostræ (ac Just. nostris ad diversa Felon.
 "Es.) ad generalem Sessionem Pacis nostræ apud G.
 "tali die tenend. ad respond. nobis de quibusdam Felo-
 "niis unde indictatus est. Ideo tibi præcipimus, quod
 "de ulterius exigend. præfat. A. B. ad aliqu. Comit. at.
 "tuum, vel imprisonandum sive ipsum ea occasione ali-
 "qualiter molestand. omnino superfed. & habeas ibi tunc
 hoc

"hoc breve. Teste Willielmo Bragge apud H. tali die &
"anno.

A Testimonial for such as have suffered Shipwreck.

A. C. of C. in the County of Devon. Esquire, one of the Kings Majesties Justices of the Peace, to all, &c.

FOrasmuch as the Bearer hereof C. D. aged about, &c. having lately been at Sea, in a Ship called, &c. hath suffered Shipwreck, and got to Land at E. in the said County of Devon. upon the third day of December last past (as I am credibly informed, as well by the Report of the said C. D. as also by the Testimony of divers the Inhabitants of E. aforesaid) and for that the said C. D. hath not wherewithal to relieve himself in his travel homewards to E. in the County of F. where he saith he was born (or hath a dwelling, &c.) These are therefore to pray you and every of you, to whom these presents shall come, not to molest or trouble the said C. D. in his travel to E. aforesaid, where he is limited to be within twenty days, next after the date hereof; but to desire you rather to relieve him in his necessities, as to you shall seem meet; and withal, you the Constables of every Town, where he shall come to help him with Lodging in convenient time, so that he travellet the direct way to E. aforesaid, not doing any thing contrary to the Laws and Statutes of this Realm. In witness whereof, &c.

A Warrant in the Kings Majesties Name.

James the Second by the Grace of God, King, &c. to the Sheriff of the County of, &c. the High-Constable of the Town of, &c. and to all and singular the Bailiffs and other Ministers in the said County, as well within Liberties as without, Greeting.

FOrasmuch as *A. B.* of *Sc.* hath come before Sir *C. D.* Knight and Baronet, one of our Justices of Peace, within the said County, and hath, *Sc.* concluding it in the Justices name, as thus) Witness the said *C. D.* at *E.* the first day of *March*,

A Warrant for the Peace.

James the Second by the Grace of God, &c. to the Sheriff, &c.

FOrasmuch as *A. B.* &c. Gardener, hath personally come before *Thomas Putt* Esquire, one of our Justices of the Peace within the said County, and hath taken a Corporal Oath, that he is afraid that one *C. D.* of *E.* in the said County, Labourer, will beat, wound, maim, or kill him, or burn his houses;) and hath therewithal prayed surety of the Peace against the said *C. D.* Therefore we command

command and charge you joyntly and severally, that (immediately, upon the receipt hereof) you cause the said *C. D.* to come before the said *Thomas Putt*, or some other Justices of the same County, to find sufficient sureties and mainprize, as well for his appearance at the next Quarters Sessions of our Peace, to be holden at the Castle of *Exon* or elsewhere, for, or in the said County, as also for our Peace, to be kept towards us and all our Liege People, and chiefly towards the said *A. B.* that is to say, that he the said *C. D.* shall not do, nor by any means procure, or cause to be done, any of the said evils, to any of the said people, and especially to the said *A. B.* and if the said *C. D.* shall refuse thus to do, that then immediately (without expecting of any farther Warrant) you him safely convey, or cause him to be conveyed safely, to our next Prison, in the said County, there to remain, till he shall willingly do the same; (so that he may be before our said Justices, at the said next General Sessions of the Peace, to be holden at *Exon*. aforesaid, then and there to answer unto us for his contempt in this behalf) and see that you certifie your doings in the Premises, to our said Justices, at the said Sessions, bringing then thither this Precept with you. Witness the said *Thomas Putt*, at *C.* aforesaid, the second day of *June*, &c.

A Warrant for the good Behaviour.

FOrasmuch as *A. B.* of your said Town, is not of good name or fame, nor of honest Conversation (but an evil doer, a Rioter, Baretter, and perturber of the Peace of our said Sovereign Lord) as we are given to understand, by the complaint of sundry credible persons: Therefore on the behalf of our said Sovereign Lord; we command you, and every of you, that immediately, &c. you cause the said *A. B.* to come before us, or some other of our fellow Justices, to find sufficient surety and Mainprize, as well for his good abearing towards our said Sovereign Lord and all his Liege People, until the next Quarter Sessions of the Peace, to
be

be holden in the said County, as also for his appearance, then and there. And if he shall refuse so to do, that then, &c. (as in the Warrant for the Peace.)

A general Warrant for Misdemeanours.

William Bragge Esquire, one of the Justices, &c. to the Constable of &c. and to every of them.

THese are to will and require you, and in his Majesties Name, freightly to charge and command you, and either of you, that immediately upon the sight hereof (or upon Monday next, by eight of the Clock in the Forenoon) you bring *A. B.* of your said Town Butcher, before me, to answer to such matters of Misdemeanour, as on his Majesties behalf shall be objected against him. And hereof fail you not at your Perils. Dated at, &c.

A Warrant to Attach one for Felony.

FOrasmuch as complaint hath been made unto me by *A. B.* that of late, he hath had certain Goods feloniously taken from him, and that he hath in suspicion, one *C. D.* of the said Town: These are therefore to will and require you, &c. presently upon the receipt hereof, to Attach the body of the said *A. B.* and thereupon to bring him before me, to answer to the Premises. And hereof fail you not at your Perils. Dated, &c.

A Warrant to search for Stolen Goods.

WHereas complaint hath been made unto me by *A. B.* that of late, he hath had feloniously taken from him certain Goods, and that he hath in suspicion divers lewd and evil disposed Persons, within your Parish. These are to will and require you, &c. that immediately, upon the receipt hereof, you make diligent search in all and every such suspected houses and places, within your parish, as you and this complainant shall think convenient: And if upon your search you find any of the said Goods, or other just cause of suspicion, that then you bring all such suspected Persons, as you shall find before me, to answer unto the Premises. And hereof fail you not, &c.

A Warrant to bind Men to give Evidence.

THese are in his Majesties Name, to charge and command you, &c. that presently, upon the sight hereof; or some of you, do cause to come before me (or some other of his Majesties Justices of the Peace of this County) the Persons hereunder named, to the end that they and every of them may be bound to make their personal appearance at the next general Gaol-delivery, (or Quarter Sessions) to be holden for this County, then and there to testify their and every of their knowledges, concerning certain felonious Acts, committed by one *A. B.* now a Prisoner in the Castle of *C.* &c. And hereof fail you not, &c.

A

A Warrant for one who hath dangerously hurt another.

FORASMUCH as I am credibly informed, that *A. B.* of your Town Clothier, hath now lately and dangerously hurt one *C. D.* of your said Town, Yeoman, by a blow which he hath given the said *C. D.* on the head, and another on the back, so as the said *C. D.* is in danger of death thereby: These are therefore in his Majesties name, streightly to charge and command you, that immediately upon the sight hereof, you or any of you, do bring the said *A. B.* before me, or some other of his Majesties Justices of the Peace of this County, to find sufficient sureties, as well for his appearance before his Majesties Justices, at the next general Gaol-delivery, to be holden for this County, then and there to answer unto the Premisses, and to do and receive therefore that, which by the Court shall be enjoyned him, as also that the said *A. B.* shall in the mean time keep the Kings Majesties Peace, to his said Majesty, and all his Liege People, and especially towards *C. D.* And hereof fail you not at your Perils. Dated, &c.

A Warrant for the Reputed Father of a Bastard Child.

WHEREAS complaint hath been made unto me *A. B.* Esq. one of his Majesties Justices, &c. by *C. D.* of your said Town *Semstress*, that she is gotten with Child by one *E. F.* also of your Town *Tanner*. These are therefore in his Majesties name, to charge and command you, and either of you, that presently upon the receipt hereof, you Attach the Body of the said *E. F.* and thereupon bring him before me (or some other of his Majesties Justices

Justices of the Peace for this County) to find sufficient sureties, as well for his appearance at the next general Sessions of the Peace, to be holden for this County, as also for his good behaviour towards his Majesty, and all his Liege people, in the mean time: And hereof fail you not, as you will answer the contrary at your perils. Dated, &c.

A Warrant for Overseers to give up their Accounts.

THESE are in his Majesties name, to charge and command you, forthwith to give warning to the Churchwardens, and other the Overseers of the poor of every Parish, within your Hundred, that they do personally appear before us at *Exon* at the sign of the *Grey-bound*, there, upon *Monday* the sixth of *March* next coming, by nine of the Clock in the forenoon of the same day, to yield up, and to make a true account in writing, subscribed with their names or markes, of all such sums of Moneys as they have received, for and towards the relief of the poor of their several Parishes, and also of such stocks (to set the poor on work) as is in their Hands, or in the Hands of any of their said poor to work, and of all other things concerning their said Office: And hereof, that they fail not at their and every of their perils. And further we require you, that you give warning to the petty Constables of every Town, within your said Hundred, that they, or one of them, be also then and there present before us, to inform and certifie us of the Names of such other Persons as are meet and fitting to be Overseers of the poor, within their several Towns, for the year next ensuing. And hereof fail you not, &c.

And this Warrant must be under the Hands and Seals of two Justices at the least, the one of the *Quorum. Vid. Tit. Poor.*

A Warrant to Distrain such as refuse to pay their Rates to the poor.

FOrasmuch as we are credibly informed, or that it hath been duly proved before us, that the persons here under named, do refuse to contribute the sums of Money here under mentioned (set upon their heads) being assessed and rated upon them severally, for and towards the necessary relief of the poor of your said Town, according to the form of the Statute in that behalf lately provided. These are therefore in his Majesties name, to charge and command you, and every of you, forthwith to require and cause the said persons, so refusing, to be before us, to shew the cause of their refusal: And if they or any of them shall refuse to come before us, that then immediately you do levy all and every the said sums of Money unpaid, and all the Arrearages thereof, of all and every the said persons so refusing, by Distress and Sale of the Offenders Goods, you rendring to the parties, the overplus that shall remain upon the Sale of the Goods. And this shall be your sufficient Warrant therein. Dated, &c.

A Warrant for a general Search for Rogues.

THese are in the Kings Majesties name, to charge and command you, that you, together with the petty Constables of the several Towns, Parishes and Hamlets, within your Hundred, taking a sufficient assistance out of the said Towns, Parishes, and Hamlets, upon Tuesday at night next coming, for the finding out and apprehending of all Rogues, Vagabonds, and wandring and idle Persons, in or about your said several Towns, Parishes

Parishes or Hamlets; and that such as shall be found and apprehended, you do cause them to be brought before us, the next day unto A. by eight of the Clock, there to be by us dealt withal according to the late Statute in that behalf provided. At which time and place, we farther require you, together, with the said Petty Constables, to appear before us, and there to give an account, and reckoning upon your Oath, in Writing, and under the Hands of the Minister of every several Parish within your Hundred, what Rogues, Vagabonds, wandering and disorderly Persons, have been there apprehended, as well in the same search, as also since the last Assembly and Meeting that was made for this purpose, being upon or about the third day of *March* last past. And hereof fail you not, &c.

A Warrant for a Fugitive Servant.

VV Hereas A. B. being lawfully retained in Service with C. D. of &c. is departed from his said Masters Service, before the end of his term, without his Masters leave or Licence, (or without any reasonable cause) contrary to the Laws and Statutes of this Realm, in this behalf provided: These are therefore to command you, and every of you, that you, or some one of you, do attach the body of the said A. B. and bring him before me (or some other Justice of Peace, &c.) to find sufficient sureties, well and faithfully to serve his said Master, according to the Covenant between them made, an if he shall refuse thus to do, that then you cause him safely to be conveyed to the common Gaol, &c. Given under the Hand of me E. F. one of his Majesties Justices, within the said County.

A

A Warrant for one refusing to Serve.

Willus' Bragge Armig. unus Just. &c. A. B. Ballivo de C. in com. præd. salutem. Ex parte dicti Dom. Reg. tibi mando, quod attachias E. F. de G. præd. Teoman, in quod eum habeas coram me vel sociis meis Just. dicti Dom. Regis ad Pacem in com. præd. conservand', nec non ad diversa Felonias, Transgr. aliaque malefacta in eodem com. audiend. & term. assign. ad prox. general. Sess. Pacis in com. præd. tenend' ad respond' tam dicto Dom. Regi, quam G. H. de K. &c. Teoman, quare ipse præd' E. F. licet in servitio congruo pro statu suo per præd' H. I. fuit sapius requisit. ei servire ipsi tamen H. I. servire penitus recus. in contempt. dicti Dom. Regis & ipsius E. F. grave dampnum, & contra formam Statut' de servientibus nuper edit' et provis. Et habens ibi tunc hoc Mandat. Teste, &c.

A Warrant for the Suppressing of an Ale-house Keeper.

A. B. and C. D. Esquires, two of the Kings Majesties Justices of the Peace within the said County of Devon to the Constables of E. and either of them, Greeting.

Whereas we are credibly informed, that A. B. of your Town, Victualler. is himself a Man of evil behaviour, and besides, doth suffer evil rule and order to be kept in his House, contrary to the Laws and Statutes of this Realm. These are therefore to will and command you, forthwith to repair to the House of the said

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said *A. B.* and to charge him to surcease from keeping any longer any Ale-house, or Tipling house, and from common selling of Ale or Beer at his Peril, and withal, that you cause his Sign to be pulled down. Hereof fail you not, as you and either of you will answer to the contrary at your Peril. Given under our Hands and Seals at *F.* the fifth day of *March*, and in the first year of our most gracious Sovereign Lord King *James* the Second, &c.

A Warrant to Levy Money forfeited by the Ale-house haunters.

William Bragge Esquire, one of the Kings Majesties Justices of the Peace, within the said County of Devon, to the Constables and Churchwardens of the Parish of A.. and to every of them, Greeting.

Forasmuch as it hath been duly proved before me, according to the Statute in that behalf provided, that all and every the Persons hereunder named, being Inhabitants within your Parish of *A.* upon the fourth day of this instant Month of *March*, have been and continued drinking and tipling in the house of *B. C.* of your said Town (Inn-keeper or Ale-house Keeper) contrary to the form of the same Statute: These are therefore in his Majesties Name, to charge and command you, and every of you, forthwith to levy by Distress and Sale of the Goods of every the said Persons hereunder named, the sum of three Shilling and four Pence a piece, if they shall refuse or neglect forthwith to pay the same, (which several forfeitures shall be bestowed and employed by you, to the use of the Poor of your said Parish) and that you render to every the said Offenders, the overplus that shall remain upon your sale of their said Goods: And if the said Offenders, or any of them, shall refuse or neglect to pay their said

I i several

several Forfeitures, and that you can find no sufficient Distress, whereon to Levy the same, that then you the Constables, or one of you, shall commit every such Offender or Offenders (refusing or neglecting to pay the said Sum or Forfeiture, and not having sufficient whereon to be distrained for the same) to the Stocks, there to remain by the space of four Hours. And this shall be your sufficient Warrant. Dated, &c.

A Warrant to remove a Constable and Swear another.

JACOBUS Secundus, Dei gratia, &c. Viccom' "
 "Devon. nec non capitali Constabul. Hundredi de
 "A. & eorum cuilibet, Salut. quia A. B. & C. D. Con-
 "stabul. vill. de F. & F. G. certis de causis nos movent.
 "ab officio suo amoveri & exonerari fecimus: Ideo vo-
 "bis & cuilibet vestrum, conjunctim & divisim, præci-
 "pimus & mandamus, quod H. F. & K. L. ad omnia &
 "singula eidem Officio, incumbencia bene & fideliter
 "exercenda & exequenda (prout ipsi nobis inde respon-
 "dere voluerint) jurare faciatis; dictis A. B. & C. D.
 "similit injungentes, quod ipsi de dicto Offic. ulterius
 "exercendo & exequendo nullatenus se intromittant,
 "quousque aliud de nobis habuerint mandatum. Et quic-
 "quid inde feceritis, Justiciariis nostris ad pacem no-
 "stram in dicto com. conservand' assign. ad prox. gene-
 "ral. Sessionem Pacis apud A. in dicto com. tenend. cer-
 "tificetis, hoc preceptum nostrum tunc & ibid' remit-
 "tentes. Teste Willielmo Bragge Armig. uno Justic.
 "nostrorum prædict' tali die, &c.

In-

Indictments.

For stopping the High-way.

Juratores pro Domino Rege super sacramentum suum
 presentant quod cum a tempore cujus contrarii me-
 moria hominum non existit usitat' fuisset quod ligei
 Dom. Regis habuerunt & legitime usi fuerunt una via
 Regia communi apud *A.* in com. *B.* in quodam loco ibi-
 dem vocat' *A.* ducend. a villa de *B.* in com. præd. usque
 ad villam de *C.* in com. præd. pro seip[s]is catallis & Car-
 riagiis suis absque ulla obstructione impedimento aut
 retardatione per aliquas fossat' sepem aut alia obstacula
 quæcunque quidam tamen *D. E.* nuper de *B.* in com.
 præd. *H.* secundo die Martii anno Regni, &c. quan-
 dam fossat' & sepem vivam Anglice *A Ditch and quick set*
Hedge apud *A.* in com. præd. in præd. loco ibidem vo-
 cat' *A.* super viam Regiam communem præd. ad magnam
 obstructionem impedimentum & retardationem lige-
 orum dict. Dom. Regis circa negotia sua necessaria per
 prædictam viam Regiam communem cum Catallis &
 Carriagiis suis transeun. effodit & erexit. & fossat.
 & sepem prædict. sicut prefertur effossat. & erect. ad-
 huc custod. in malum & perniciosum exemplum ali-
 orum in hujusmodi casu delinquen. contra pacem dict.
 Dom. Regis Coronam & dignitatem suas.

li 2

Against

Against a Rogue for begging after he is burnt in the Shoulder.

“ Juratores pro Domino Rege super Sacrament’ suum
 “ presentant quod cum quidam *A. B.* nuper de *C.* in
 “ com. *D.* Labourer, ad general- Gaol. deliberationem
 “ Dom. Regis com. sui Tent. apud *D.* in com. prædict.
 “ primo die *Marcii* anno Regni, &c. coram *E. F.* Milite
 “ uno Justiciar. Dom. Regis de banco Justic’ ejusdem
 “ Dom. Regis ad Pacem in com. præd. conservand’ ac ad
 “ diversa Felonias Transgressiones ac alia Malefacta in
 “ eodem com. perpetrat’ Audiend. & terminand. assign.
 “ ad tunc existen. ætatis septem Annorum & ultra pro
 “ omnivago (*Anglice Rogue*) incorrigibili & periculo-
 “ so mendican. vagan. & seipsum male gubernan.
 “ qui noluit reformari de vago & Vagabundo more suo
 “ vite legitime convictus erat & attunc & ibidem cum
 “ quodam ardenti ferro (*Anglice a hot Iron burning*) ha-
 “ ben. magnam Romanam Literum *R.* nuper ferrum
 “ illud impressum super Sinistrum humerum (*Anglice the*
 “ *Left Shoulder*) Ipius *A. B.* ictus fuit (*Anglice was bran-*
 “ *ded*) & superinde missus fuit per dictos Justic. ad *L.* in
 “ com. præd. existen. locum habitationis seu ad Laboran-
 “ dum ibidem sicut verus subditus dict. Dom. Regis fa-
 “ cere tenetur secundum formam cujusdam Statut. inde
 “ edit. & provis. prædictus tamen *A. B.* leges & Statut.
 “ hujus Regni *Anglie* parvi pendens nec penam in eisdem
 “ content. aliquantulum verens postea scilicet secundo die
 “ *Marii* anno supradicto apud *G.* prædict. in com. præd. ac
 “ in diversis aliis locis in com. præd. diversis aliis die-
 “ bus & vicibus tam antea quam postea ut omnivagus in-
 “ corrigibilis & periculosus qui non vult reformari de va-
 “ gro & Vagabundo more vite Felonice mendicat. fuit
 “ vagavit & pererravit & se male gessit contra pacem dict.
 “ Dom. Regis nunc Coronam & Dignitatem suas, & con-
 “ tra formam Statut. in hujusmodi casu edit. & provis.

For Seizing a Felons Goods before Con- viction.

“Juratores pro Domino Rege super Sacramentum suum
 presentant quod cum quidam *A. B.* nuper de *B.* in
 “com. *D.* Labourer Capt’ & Arrestat’ fuit pro suspici-
 “one Feloniæ viz.) pro eo quod idem *A. B.* Felonice
 “cepit & effugavit sex oves de bonis & catallis cujusdam
 “*E. F.* & præd. *A. B.* ad tunc & ibidem duct. fuit coram
 “*G. H.* de *H.* præd. Gen. & *I. K.* de *L.* præd. ad tunc
 “Ballivis ville de *H.* præd. super quo præd. *G. H.* & *M.*
 “*N.* ad tunc & ibidem susceperunt tres libras legalis mon-
 “net. Angliæ de bonis & catallis præd. *A. B.* sic Arrestat.
 “existen. pro Felonia præd. antequam præd. *A. B.* con-
 “vict. fuit de Felonia præd. contra formam Statuti in
 “hujusmodi casu edit. & provis. & contra pacem dict.
 “Dom. Regis Coronam & Dignitatem suas.

Against a Constable for not Prosecuting a Hue and Cry after Felons for Ro- bery.

“Juratores pro Domino Rege super Sacramentum suum
 presentant quod cum Malefactores & Felones ignoti
 “septimo Die *Maii* anno &c. vi & armis, &c. in tempo-
 “re diei scil. circa horam quartam post meridiem e-
 “jusdem diei apud *A.* in com. *B.* in quodam campo ibi-
 “dem vocat. *B.* field in alta via Regia ibidem in com. præd.
 “in & super quendam *C. D.* ad tunc & ibidem in pace
 “dei & dict. Dom. Regis nunc existen’ Felonice insul-
 “tum fecerunt, & ipsum *A. B.* in magno tempore & pe-
 “riculo vitæ suæ ad tunc & ibidem Felonice posuerunt
 “& unam crumenam, *Anglice one Purse*, ad valentiam
 “duorum

" duorum solidorum & sex Denariorum in pecuniis nu-
 " meratis ad tunc & ibidem existen. contra voluntatem
 " ejusdem *C. D.* violenter & Felonice adtunc & ibidem
 " furat' fuerunt ceperunt & asportaverunt contra pacem
 " dicti Domini Regis nunc, &c. post quas quidem Felo-
 " niam & Roberiam præd. Malefactor. & Felon, ig-
 " not' præd. fugam fecerunt & seipsos ad loca ignota re-
 " traxerunt Cumq; etiam præd. *C. D.* superinde scilicet
 " præd. septimo die *Maii*, anno supradicto pro præd. Ma-
 " lefactor. & Felon, ignot. præd. huresia' & clamor' ime-
 " diate post eadem Feloniam & Roberiam per ipsos Male-
 " factor. & Felon, ignot. præd. sic ut præfertur fact. in villa
 " de *N.* in com. præd. fecit & levat. fuit notitiam cui-
 " dam *C. D.* de *N.* præd. in com. præd. Yeoman, ad
 " tunc existen. Constabular. dict. Dom. Regis de *N.*
 " præd. de Felonia & Roberia præd. ad tunc & ibidem
 " dedit eo quod Malefactor & Felones, ignot. præd. at-
 " tachiar. potuisset præd. tamen *E. F.* ad tunc Constabu-
 " lar. dict. Dom. Regis de *G.* præd. Malefactor. & Fe-
 " lon, ignot. præd. recenter prosequi (*Anglice to pursue*)
 " & arrestari neglexit & recusavit Racione quarum qui-
 " dem negligenciæ & Defect. præd. Malefactores &
 " Felones ignot. præd. & quilibet malefactorum & Felon.
 " ignot. præd. iine apprehensione ad largum ire quo vo-
 " luerunt permisi fuerunt in dict. Dom. Regis nunc &
 " legum suarum contemptum manifestum & contra for-
 " mam Statut. in huiusmodi casu edit. & provis. & contra
 " pacem dict. Dom. Regis nunc coronam & dignitatem
 " suas.

For making Flood-gates to stop a Wa- ter course,

Juratores pro Domino Rege super Sacramentum suum præ-
 sentant quod *A. B.* nuper de *C.* in com. præd. Ar. tali die
 & anno vi & armis &c. quosdam Rydellos Anglice vocat.
 Floodgates, in & super quendam Rivulum vocat *C.* apud
D. in com. præd. fundavit & erexit & communem aquæ cur-
 sum rivuli præd. a tempore cujus contrarii memoria homin.
 non

non exisset fluen. & libere curren. a D. in præd. com. D. ex parte occidentali usque quendam pontem vocat. NewBridge, in com. præd. D. versus orientem apud D. præd. in præd. com. D. dict. Tercio die Martii anno &c. septimo supradict. obstipavit & obstruxit per quas quidem obstipationem & obstruction. cursus aquæ atque rivuli præd. non solum communis viæ regia ducent. a D. in com. D. præd. ex parte orientali præd. rivulo propinq; adjacen. inundat. fuit sed etiam pars pastur. juxta rivulum præd. existen. in C. præd. in com. D. præd. eodem tertio die Martii anno regni dicti Domini Regis, &c. supradict. usque ultimum diem Martii anno supradicto penitus inundat. & submersa fuit & continuavit obstipationem & obstructionem prædictas a prædicto tertio die Martii anno decimo sexto supradicto usque ultimam Diem Martii præd. per quod quam plur. liget dict. Dom. Regis juxta rivulum prædictum in C. de D. præd. in com. D. præd. Inhabitant. & comoran. præd. & pastur. præd. possiden. & occupan. præsentia & commoditates pratorum & pastur. præd. per longum tempus totaliter amiserunt & perdididerunt contra pacem dict. Dom. Regis Coronam & Dignitatem suas.

For Counterfeiting a Letter to get Money.

Juratores pro domino Rege super Sacrament. suum presentant quod quidam A. B. nuper de C. in com. D. Gen. decimo sexto die Maii anno Regni, &c. apud E. in com. præd. quasdam falsas & contrefectas Literas in nomine cujusdam F. G. nuper de H. præd. in com. præd. Militis cuidam I. K. ad tunc Ballivo præd. L. M. manerii sui de N. præd. in præd. com. directas falso & deceptivè affectit (Anglice contrived) fecit imaginat. fuit & devisavit posteaque scilicet eodem decimo sexto die Maii anno supradicto idem A. B. prædict. falsas & contrefect. Literas prefacto I. K. sic ad tunc Ballivo præd. L. M. præd. manerii sui de N. præd. existen. falso & deceptivè apud N. præd. in com. præd. dedit & deliberavit colore & ratione (Anglice by colour and means) quarum quidem falsarum & contrefectarum literarum prædictarum sic ut preferitur præfat' I. K. ad tunc & ibidem deliberat. prædict.

A. B. præd. decimo sexto die Maii anno supradicti apud D. præd. in com. præd. in manus & possessionem suam ad usum suum proprium sex libras bone & legalis &c. de bonis & catallis & denar. præd. de prefat. I. K. sic ut prefertur adtunc Ballivo prædicti F. G. in manerio suo de N. prædict. existen. falso & deceptivo obtinuit & acquirebat ad grave dampnum ipsius F. G. in malum & perniciosum exemplum aliorum in huiusmodi casu delinquend. & contra pacem dicti Dom. Regis nunc Coronam & Dignitatem suas.

**For Extorcion in a Bailiff of a Hundred
by taking unjust fees, to excuse a
Freeholders appearance at the
Assizes.**

Juratores pro Domino Rege super Sacramentum suum presentant quod A. B. nuper de C. in com. D. Yeoman existen. Ballivus hundredi de N. in com. præd. tali die & anno colore & pretectu officii sui prædicti injuste extorsit & de injuria sua propria apud C. in præd. com. de quodam E. F. uno liberorum tenentium infra com. præd. duodecim denarios pro feodo suo pro excusatione attendenc. sive comparenc. prædict. C. tempore Assisarum extunc prox. tenend' infra com. præd. recipiebat & extorquebat ubi revera idem C. in nulla Fur. panelle per vic. com. præd. retornat' fuit ubi etiam revera nulla talis pecunie summa pro feod' suo præd. pro excusatione attendano. sive comparene. (Anglice for excusing the appearance) præd. C. prefat. A. adtunc debet. fuit in perniciosum exemplum aliorum malefactorum ad grave dampnum ipsius C. ac contra formam divers. ordinationum in huiusmodi casu edit. & provis. & contra pacem dicti Dom. Regis Coronam & Dignitatem suas.

Against

Against a Constable for the Escape of a Prisoner Committed for Felony.

Juratores pro Domino Rege super Sacramentum suum presentant quod cum quidam A. B. nuper de C. in com. D. Labourer pro quadam Felon. videlicet pro furatione duorum bovium cujusdam E. F. capt. et arrestat' fuit & postea scil. secundo die Februarii anno &c. apud G. præd. in com. præd. H. I. Armig. Fusticiar, dict. Dom. Regis ad pacem in com. præd. conservand' commissus fuit in custodiam K. L. adtunc Constabular. ville de K. præd. existen. cum quodam warranto præd. H. I. ad Gaolam dict. Dom. Regis com. præd. salvo Ducen. quodq; præd. K. L. nuper de M. præd. in com. præd. Labourer existens Constabular. ville de K. præd. & habens in custodia sua præfat. A. B. pro Felonia præd. secundo die Februarii anno, &c. supradicto apud N. præd. in com. præd. præfat. A. B. custodia ipsius K. L. voluntarie & Felonice ad largum ire permisit contra pacem dict. Dom. Regis Coronam & dignitatem suas.

For Stealing of tame Deer.

Juratores pro Domino Rege super Sacramentum suum presentant quod A. B. nuper de C. in com. D. Labourer secundo die Februarii anno &c. vi & armis, &c. apud C. præd. in com. præd. unum damam Domesticum (Anglice one tame Buck) precii viginti solid. de bonis & catallis cujusdam C. D. adtunc pro Dama Domesticum signat. (Anglice marked for a tame Buck) & præd. A. B. adtunc & ibidem satis sciens eundem Damam (Anglice Buck, fore Damam Domesticum (Anglice a tame Buck) adtunc & ibidem Felonice furat. fuit cepit & effugavit contra pacem dict. Dom. Regis Coronam & Dignitatem suas.

For

For Rescuing a Felon from a Constable.

Turatores pro Domino Rege super Sacramentum suum presentant quod cum quidam A. B. nuper de C. in com. D. Miles vicesimo die Septembris anno &c. existens unus Justiciar. dict. Dom. Regis com. sui Devon. ad pacem in eodem com. D. conservand. nec non ad diversas Felon. transgr. & alia malefacta in eodem com. perpetrat. audiend. & terminand. assignat. prædicto vicesimo die Septembris anno supradicto quoddam Warrantum sive præceptum cuidam E. F. nuper de G. in com. præd. Yeoman adtunc Constabular. dict. Dom. Regis de C. supradict. in com. præd. fecit direxit & deliberavit eidem E. F. Constabular. præd. per idem Warrantum suum præcipiens quod non omitteres propter aliquam libertatem com. præd. quin eam ingrederetur & attachiaret corpus cujusdam H. I. nuper de K. in com. præd. Labourer & eundem H. I. coram eodem A. B. Justiciar. præd. vel uno sociorum Justiciar. pacis in com. præd. Duceret & Haberet ad præfat. K. examinand. pro Feloniae furacione captione & effugatione unius vacce de bonis & catallis cujusdam L. M. qui quidem E. F. Constabular. præd. postea scilicet vicesimo tertio die Decembris anno supradicto apud S. præd. in com. præd. virtute Warranti præd. eidem E. F. Constabular. præd. sic ut prefertur direct. & deliberat. H. I. cum Warranto præd. cepit attachiare & arrestavit & eundem H. I. ex causa præd. ad proposit. & intentionem præd. in custodia sua adtunc & ibidem habuit & custodivit quidem tamen N. O. nuper de K. præd. in com. præd. Gen. adtunc & ibidem satis sciens præd. H. I. per præfat. E. F. Constabular. præd. cum præd. Warrant. præd. fore arrestat. & attachiat. vi & armis, &c. præd. vicesimo tertio die Septembris anno supradicto apud S. prædict. in com. præd. præfat. H. I. extra custodiam præd. E. F. Constabular. præd. contra voluntatem ipsius E. F. Constabular. præd. adtunc & ibidem Felonice cepit & rescussit & eundem H. I. adtunc & ibidem evadere & ad largum ire quo voluit permisit in magnum dict. Domini regis nunc contemptum ac in malum & perniciosum exemplum aliorum in hujusmodi casu delinquen.

linquen. nec non contra pacem dict. Dom. Regis Coronam & Dignitatem suas.

For keeping a Bawdy-house.

Juratores pro Domino Rege super Sacramentum suum presentant quod A. B. Uxor C. D. nuper de Parochia Sancti Egidii in Campis in com. Midd. Yeoman, alias dicta F. F. nuper de Parochia præd. in com. præd. Spinster vicesimo quinto die Julii anno regni Dom. nostri Jacobi secundi Dei gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Regis fidei Defensoris, &c. primo & diversis aliis diebus & vicibus tam antea quam postea apud Paroch. præd. in com. præd. custodivit & manutenit, & ad hoc custodit & manutenet communem domum lupanar. (Anglice a common House of Bawdry) in qua quidem Domo diverse male-disposite persone & Meretrices Fur. præd. ignot. per procuracionem persuacionem, ejusdem G. H. Scartacionem & fornicacionem tam per noctem quam per diem adtunc & ibidem commiserunt & committere adtunc & ibidem consuever. in magnam inquietacionem & perturbationem omnium ligecorum & subditorum dict. Dom. Regis ibidem commoran. in malum exemplum omnium aliorum in hujusmodi casu delinquen. At contra pacem dict. Dom. Regis nunc Coronam & Dignitatem suas.

For keeping a Servant that goes not to Church.

Juratores pro Domino Rege super Sacramentum suum presentant quod A. B. nuper de C. in com. D. vidua primo die Maii anno &c. post Editionem actus in Parlamento dict. Dom. Regis apud Westm. anno regni sui Angl. &c. tertio edit scil. præd. primo die Maii anno supradicto voluntarie & libenter retinuit custodivit (Anglice did willingly retain and

and keep) in domo suo quendam E. F. servum suum (Anglice her Servant) continue per spacium duodecim mensum integrorum insimul præd. primo die Maii anno sapradicto usque ad quartum diem Maii anno Regni dict. Dom. nostri Jacobi secundi dei gratia nunc Regis Anglie, &c. decimo tertio & Scotie quadragesimo octavo qui quidem E. F. non accessit (Anglice did not repair alicui Ecclesie capella aut usali loco communis præcationis ad audiendum Divinum servitium sed abstinuit ab eisdem (Anglice did forbear the same) per præd spacium prædictorum duodecim mensum contra pacem dict. Dom. Regis Coronam &c. suas, Et contra formam Statut' in hujusmodi casu edit & provis.

For an Assault in an House.

Juratores pro Domino Rege super Sacramentum suum presentant quod A. B. nuper de Parochia Sancti Andreæ Holborne in com. Midd. Bricklayer, vicesimo tertio die Maii anno Regni Dom. nostri Jacobi secundi dei gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Regis Fidei defensoris, &c. primo, vi & armis, &c. apud Parochiam præd. in com. præd. Domum mansionalem cujusdam C. D. ibidem scituat' adtunc & ibidem illicite & injuriose fregit & intravit & super quendam E. F. Uxor' præd. C. D. in pace Dei & dict. Dom. Regis nunc in eadem domo mansionali adtunc & ibidem existen. Insultum fecit & ipsam C. D. adtunc & ibidem verberavit vulneravit & male tractavit. Ita quod de vita ejus maxime desperabatur, & alia enormia eidem C. D. adtunc & ibidem intulit, ad grave dampnum ipsius C. D. & contra pacem dict. Domini Regis Coronam & Dignitatem suas.

For maintaining of Tithes.

Juratores pro Domino Rege super Sacramentum suum præsentant quod A. B. nuper de Parochia Sancti Sepulchri in com. Midd. Bricklayer, decimo quinto die Maii anno Regni Dom. nostri Jacobi secundi Dei gratia, Angliæ, Scotiæ, Franciæ & Hiberniæ Regis Fidei Defensor. &c. primo existens proprietor cujusdam tenementi apud Parochiam præd. in com. præd. dictum Tenement' in quatuor seperal. tenementa pro inhabitatione adtrunc & ibidem divisit & conversit, & quod præd. A. B. separales subtenentes cum Familis suis in dictis Tenementis per ipsum sic ut præfertur Divis. & Convers. cohabitare ibidem voluntarie locavit dictosque seperales subtenen. cum Familis prædicto Decimo quinto die Maii anno supradicto usque diem captionis hujus inquisitionis in dicto teneto per prædictam A.B. sicut præfertur Divis. & Convers. cohabitare & commorari permisit in magnum periculum inficiend' inhabitant' ibidem cum pestilenc' & aliis morbis contagiis ac ad depauperacionem Parochianorum parochiæ præd. & ad Parochiam illam cum multitudine pauperum onerand' ad commune nocumentum omnium ligeorum & subditorum dicti Dom. Regis ibidem commoran' nec non contra pacem dicti Dom. Regis nunc Coronam & Dignitatem suas.

For Selling Ale without License.

Juratores pro Domino Rege super Sacramentum suum præsentant quod A. B. nuper de Saffron-hill, in com. Midd. Yeoman, primo die Maii anno Regni Domini nostri Jacobi secundi Dei gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Regis Fidei Defensor. &c. primo & diversis aliis diebus & vicibus tam antea quam postea apud Saffron-hill in com. præd. ex auctoritate sua propria et sine ulla licentia admisione vel allocatione duorum Justic dicti Dom.

Dom. Regis ad pacem in com. præd. conservand. assign. assumptis super se custodire et adtunc et ibidem custodivit communem Domum Tipulator' (Anglice a common Alehouse) et in eodem domo adtunc et ibidem communiter et publice vendidit uteravit et uterari causavit serotiam et potum in pulas' (Anglice Ale and Beer) diversis ligeis et subditis dict. Dom. Regis in contempt. dict. Dom. Regis nunc legumque suarum et contra pacem dict. Dom. Regis nunc Coronam et dignitatem suas, nec non contra formam statuti in huiusmodi casu' edit' et provis.

For Burglary in a Dwelling-house, by Night, and against a Constable for not Prosecuting Hue and Cry.

Juratores pro Domino Rege super Sacramentum suum præsentant quod quedam Persona adtunc Ignot. decimo nono die Maii anno Regni Dom. nostri Jacobi &c. vi et armis &c. Domum mansionalem cuiusdam A. B. apud C. in com. præd. circa horam secundam post meridiem in nocte ejusdem diei Felonice et burglariter fregerunt et intraverunt et unam thecam birretam vocat. a Cap-case et unam chlamydem vocat a Cloak ad valenc. quadraginta solidorum et unum Gladium ad valentiam sexdecim solid' de bonis et catallis ipsius D. adtunc et ibidem invenerunt Felonice et burglariter furat' fuerunt ceperunt et asportaverunt contra pacem dicti Dom. Regis nunc Coronam et Dignitatem suas prædictasque A. B. immediate post Burglariam et Feloniam præd. in forma præd. fact. et perpetrat. (viz.) vicesimo die Martii, anno &c. supradicto circa horam nonam in nocte ejusdem diei apud C. præd. levavit et levavi procuravit butetiam et clamorem ad prosequend' Felones præd. secundum formam Statuti Dom. Edw. nuper Regis Anglice primi apud Westmnia. anno regni sui vicesimo quinto in huiusmodi casu nuper edit' et provis. ratione cujus vestigationis et prosecutionis Felonie et Burglarie butetie et clamoris præd. per noticiam et monitionem adtunc dat' C. D. adtunc Constabular' de S. præd. in com. præd. Yeoman et E. F. de eadem Labourer butetiam et clamorem Felonie et Burglarie prædictorum ulterius non prosecut' fuit secundum formam Statuti præd.

præd. et debitam legis formam hujus Regni Angliæ per quod Felones illi impuniti evaserunt et escapiaverunt contra formam Statut' præd. ac contra pacem dist. Dom. Regis nunc Coronam et Dignitatem suas.

For being a common Inticer of Servants from their Services.

Juratores pro Domino Rege super Sacramentum suum presentant quod A. B. de C. in com. præd. Teoman quarto die Martii anno Regni Domini nostri Jacobi secundi dei gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Regis, Fidei defensoris, &c. apud M. præd. in præd. com. C. procuravit et exportavit D. E. servient' F. G. in servitio suo ibidem existen' abire ab eodem servitio cujus quidem procuratoris preteritu idem D. E. a servitio præd. F. G. adtunc et ibidem recessit, et quod idem A. B. est communis procurator serventium diversorum Ligeorum Domini Regis, ita quod legem Domini Regis de hujusmodi servient' ad negotia sua perpend. multipliciter gravat' existunt in dist. Domini Regis contemptum et quam plurimorum Ligeorum Domini Regis deteriorationem manifestam.

For a Nuisance of a Decayed Bridge in the High-way.

Juratores pro Domino Rege super Sacramentum suum presentant quod Pons publicus et communis situs in alta Regia via super flumen de A. infra Paroch. de B. in com. C. est et per aliquot annos jam prox' elaps' fuit valde ruinosus et in maximo decasu ob defectum reparationis adeo ut subditi dist. Domini Regis in super trans vel ultra dictum Pontem per se, vel cum eorum equis bigis aut cariagiis redire aut transire non audent aut possunt ad commune nocumentum omnium vicinorum et compatriatorum

compatriatorum in dicto com. C. habitant' quorum interest ratione negotiorum suorum ibi transire Et ulterius quod prorsus nescitur que Personæ queve terre tenementa aut corpora corporata et politica eundem pontem aut aliquam inde parcellam de jure aut ex antiqua consuetudine reficere aut reparare debent aut consueverunt.

For pulling down a Bridge.

Juratores pro Domino Rege supra Sacramentum suum presentant quod cum a tempore quo memoria hominum in contrarium non existit fuit quidam Pons lapideus in B. in com. C. vocat A. per et trans quem quidem pontem omnes Inhabitantes ville de D. præd. in com. præd. per tempus præd. habere consueverunt ingressum et regressum ad quendam locum vocat' E. pro negotiis eorundem faciend' quidam tamen F. G. de B. præd. in com. præd. Gen. duodecimo die Marcii anno Regni Dom. nostri Jacobi secundi dei gratia Angliæ, Scociæ, Franciæ & Hiberniæ Regis Fidei defensoris, &c. primo, vi et armis &c. præfat. Pontem effodit prostravit et spoilavit et abstrariavit per quod Inhabitantes ibidem ingressum ad præd. locum pro prædictis negotiis suis faciend' habere non possunt et alia enormia per eum tunc et ibidem facta sunt ad grave et commune nocumentum, prædictorum vicinorum ibidem et contra pacem dicti Domini Regis nunc Coronam et Dignitatem suas.

For a Riot in a Park, and wounding the Keeper, &c.

Juratores pro Domino Rege super Sacramentum suum presentant quod A. B. de C. in com. D. Labourer E. F. de G. in com. H. Yeoman et I. K. de L. in com. præd. Weaver, aggregat' &c. Riote et routose et modo nove insurrectionis

nis et in convent. illic et modo querrino arratat. vi et armis, &c. Decimo septimo apud M. in com. N. præd. clausum & parcum cujusdam O. P. Armiger. ibidem sese illicite riotose & routose assembler. congregaver. & vener. ad pacem dist. Domini Regis disturbant & adtunc & ibidem in quendam Q. R. Gen. custod. parci præd. & in S. T. servient ipsius R. Q. & contra pacem dist. Domini Regis existen. insult. fecer. & præd Q. R. un' sagitt. quodem arcu tent. quem idem Q. R. in manibus suis adtunc & ibidem habuit & tenuit sagitt. & eundem Q. R. cum sagitt. præd. in pectore suo percussit dantes eidem Q. R. un' plagam profundit. dimid. pollicis & latitud' unius pollicis ita quod de vita sua disparabatur & alia enormia eis intuler. ad grave dampnum ipsorum S. T. & Q. R. contra pacem dist. Dom. Regis nunc Coronam & Dignitatem suas & contra formam Statuti in hujusmodi casu edit. & proviſ.

For Entertaining Whores, Magabonds and idle suspected Persons.

Juratores pro Domino Rege super Sacramentum suum præsentant quod A. B. de C. in com. D. præd. Huckster in domo sua continue recept. hospitatur. & supportat. vagabundos meretrices et alios diversos homines otiosos suspect. et male conversationis et continue custod. malam Regulam et guberationem in domo sua ad grave nocumentum et perturbationem omnium vicinorum suorum ac contra formam diversorum Statutorum ac contra pacem dist. Dom. Regis nunc Coronam et Dignitatem suas.

K k

Against

Against a Vagabond and his Release for Lodging him.

Juratores pro Domino Rege super Sacrament. suum presen-
tant quod A. B. de C. in com. D. Teoman, etatis vigin-
ti annorum aut amplius & corpore sano valent. potentate atque
laborand' habili existen. nullam autem habens terram nec ul-
lum Magistr. nec aliqua utens licita Merchandiza Arte vel
Misterio unde sibi aliquid parare possit; ac nesciens rationem
reddere quo pacto victum suum legitimam acquiri tricesimo die
Martii anno Regni Domini nostri Jacobi secundi Dei gratia
Anglia, Scotia, Francia & Hibernia Regis Fidei defen-
sor. &c. primo apud F. infra hundredum de E. in com. D.
præd. & multis aliis in locis dict. com. D. huc illuc passim va-
gatus est mendicans ac per H. I. de F. præd. in com. præd.
Labourer, Constabularium dicti hundredi de E. in qua tunc
est villa de D. præd. postea viz. duodecimo die dicti mensis
Martii anno supradicto apud F. præd. in com. præd. invent' est
vagens & mendicans ac per eandem Constabularium tunc de-
prehensus est inordinate se gerens tanquam Vagabundus &
mendicans valens contra pacem dict. Domini Regis ac contra
formam diversorum Statutorum in diversis Parliamentis dict.
Dom. Regis tunc inde provisorum & editorum et ulterius quod
G. H. de I. præd. in præd. com. K. L. sciens præfat' M. N.
modo et forma præd. vagantem et mendicantem eundem tamen
M. N. dict. duodecimo die Martii anno supradicto in domo ip-
sius G. H. mansionali apud F. præd. in com. præd. hospitium
et eidem M. N. tunc et ibidem panem et potum voluntarie
dedit in contemptum dict. Domini Regis ac contra formam Sta-
tutorum prædictorum, &c.

Against

Against a Hundred, for not keeping a Sea Watch.

Juratores pro Domino Rege super Sacramentum suum presentant quod ubi homines et inhabitantes Hundredi de N. in com. A. præd. antiquitus (viz.) ante annum Regi Domini nostri Henrici nuper Regis Angl. quarti cujusdam Maritimas et minutis vigiliis Anglice vocat Sea-watches, tempore belli per costerum Maris in quodam loco vocat. B. in dicto com. C. per quatuor homines singulis noctibus a tempore cujus contrarii memoria hominum tunc non existerat custodire debebant et solebant dicti tamen Hundredi de C. homines et inhabitantes nunc tempore nuper belli (viz.) vicesimo quinto die Augusti anno Regni Domini nostri Jacobi secundi Dei gratia Angliæ, &c. primo usque tricesimum diem ejusdem Mensis, anno supradicto præd. vigiliis apud C. præd. modo et forma præd. facere et custodire voluntarie pretermiserunt ac in eisdem vigiliis tunc ibidem sic ut præfertur faciendis, a custodi voluntariam fecerunt desertam in dicti Domini Regis contemptum ac hujus Regni Angliæ discrimen non modicum ac contra formam Statuti in Parlamento Dom. Henrici nuper Regis Angl. quarti Tent. anno Regni sui quinto in hujusmodi casu editi et provis. &c.

Against one using a Plough, and not helping to amend the High-ways.

Juratores pro Domino Rege super Sacramentum suum presentant quod die Veneris, scil. Vicesimo octavo die Augusti anno Regni Domini nostri Jacobi secundi Dei gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Regis, Fidei Defensor, &c. primo A. B. Constabularius villæ de G. in dicto Com. D. E. & F. G. tunc Guardiani Ecclesiæ Parochialis de H. præd. in com. præd. existent vocatis

ad se multis aliis Parochianis dicta Parochia de *K.* tunc & ibidem eligerunt, quosdam *L. M. & N. O.* duas honestas ejusdem Parochiæ personas insuper viros pro anno integro tunc prox' sequend. pro amendatione & reparatione altarium Regiarum viarum infra dictam Parochiam de *K.* ducentium a villis Mercatoriis ad villas Mercatorias. Ac etiam tunc ibidem nominaverunt & appunctuaver. sex dies (*viz.*) primum, secundum, tertium, quartum, quintum & sextum dies Mensis *Julii* tunc prox' sequend. pro dicta amendatione illius viæ Regiæ ibidem quæ est inter, &c. atque de eisdem sex diebus, sic per eos ut prefertur nominat' & appunctuat' dederunt palam postea scil. die Marte tunc prox. sequente publicum notit. in dicta Ecclesia Parochiali de *D.* præd. in com. præd. quidam tamen *A. B.* Parochianus parochiæ de præd. in præd. com. *I.* existens ac tunc habens & occupans in dicta Parochia de *K.* in com. *I.* præd. unam integram carucatam terræ *Anglice* vocat. *a Plough'd Land* ad nullum dictarum, primi, secundi, tertii, quarti, quinti & sexti dierum dicti Mensis *Julii* anno supradict.----- invent' aut mihi currum instructum (*Anglice a Cart furnished*) equis bovis aut aliis animalibus & necessariis instrumentis secundum morem Patriæ ibidem nec ullos habiles homines erga emendationem & reparationem dictarum viarum aut earum aliquam inde parcellum sed inde tunc ibidem voluntarie fecit defalt' in dicti Domini Regis contemptum ac contra formam diverforum Statutorum in hujusmodi casu edit' & provis.

**For using the Trade of a Higler, Kidder,
Lader Carrier, Buyer and Seller
without Licence.**

Juratores pro Domino Rege super Sacrament. suum presentant quod *A. B.* nuper de Paroch. Sancti *Andree Holborne* in com. *Midd.* Yeoman tertio die *Augusti* anno Regni Dom. nostri *Jacobi* secundi Dei gratia, *Angliæ, Scotiæ, Franciæ et Hiberniæ* Regis Fidei Defensor. &c. primo, & diversis aliis diebus & vicibus, tam antea quam postea apud Paroch. præd. in com. præd. exercuit & occupavit facultatem emptoris & venditoris butiri casei ovor. pullitarum & aliarum mort. victual' (*Anglice* vocat. *the*

the faculty of a Kidder-Lader, Carrier, buyer and seller of Butter, Cheese, Eggs, Poultry, and other dead Victuals) idem G. R. aliquam generalem Sessionem pacis, coram iustic. dicti Dom. Regis ad Pacem in com. præd. conservand. assign. in eodem com. tent. ad facultatem illam non admisit. vel assign. in contemptum dicti Dom. Regis nunc legumque suarum in malum exemplum omnium aliorum in huiusmodi delinquen. Et contra pacem dicti Dom. Regis nunc Coronam & Dignitatem suas, &c. nec non contra formam statuti in huiusmodi casu edit' & provis.

Against an Incurable Rogue.

Juratores pro Domino Rege super Sacramentum suum presentant quod quidam A. B. nuper de Sancti Egidii in campis in com. Midd. præd. Yeoman secundo die Maii anno Regni Dom. nostri Jacobi secundi Dei gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Regis, Fidei Defensor, &c. primo, etatis septem annorum & ultra existens omnivagus (Anglice a Rogue) incorrigibilis & periculosus qui non vult reformari de Vago & Vagabundo more suo vitæ apud C. præd. in com. præd. prædicto secundo die Maii, anno supradicto & in diversis aliis locis in com. præd. & diversis aliis diebus & vicibus, tam antea quam postea tanquam omnivagus (Anglice a Rogue) incorrigibilis & periculosus mendicatus fuit vagavit perravit & male se gessit in magnum periculum generis inferioris (Anglice the Inferiour sort) populi de C. præd. & terrorem non modicum aliorum dicti Dom. Regis ligeorum subditorum in præd. com. in malum & perniciosum exemplum aliorum in huiusmodi casu delinquen. et contra pacem dicti Dom. Regis Coronam & Dignitatem suas & contra formam statuti in huiusmodi casu edit' & provis.

For Erecting a Shed in the Highway.

Juratores pro Domino Rege super Sacramentum suum presentant quod A. B. nuper de Parochia Sancti Marie-le-Bow, in com. Midd. Yeoman, octavo die Julii, anno Regni Dom. nostri Jacobi secundi Dei gratia Angliæ, Scotiæ,

Scotie, Francie & Hibernie Regis Fidei Defensor' &c. primo, vi & armis, &c. apud Paroch' præd. in com. præd. super communem altam viam Regiam & ibidem fecit erexit & ædificavit & fieri erigi & ædificari causavit unum tectum (*Anglice one Shed*) de ligno & aliis materialibus fact. & eodem tecto ad tunc & ibidem inclusit introchiavit & obstrupavit quandam partem communis altæ viæ Regiæ præd. continent. in longitudinem decem pedes & in latitudine decem pedes. Et præd. partem communis altæ viæ regiæ præd. sic ut prefertur per ipsum *C. D.* inclusit introchiat. & obstrupat' idem *C. D.* octavo die *Julii* anno supradicto usque diem captionis hujus inquisition. scil. decimum septimum diem *Julii*, ex tunc prox. sequend. anno supradicto vi & armis, &c. apud Paroch. præd. in com. præd. sic inclus. introchiat. & obstrupat. continuavit & ad tunc continuat, ad grave dampnum & commune noxument' omnium legiorum & subditorum dict. Dom. Regis tam ibidem inhabitantium, quam per communem altam viam Regiam præd. transeuntium equitantium & laborantium. Et contra, &c.

Felony for Stealing a Cloak.

Juratores pro Domino Rege super Sacramentum suum presentant quod *R. H.* nuper de Paroch' Sancti *Barthol.* in com. Midd. Stationar. duodecimo die *Dec.* anno Regni, &c. vi & armis, &c. apud Paroch' præd. in com' præd. unum pallium panni lanei (*Anglice a Cloath Cloak*) ad valentiam quadragint. solidorum, de bonis & catalis, cujusdam *A. T.* ad tunc & ibidem invent. ad tunc & ibidem furat. fuit cepit & asportavit contra pacem dict. Dom. nostri Regis Coronam & Dignitatem suas.

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